

DO WE NEED MUSIC
COPYRIGHT REFORM?

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1986

Mr. BRYANT. Mr. Speaker, American music is dominant in its art form; its popularity transcends continents, cultures, and political systems—it is heard over the global air waves. Our music is in such global demand that it remains one of the dwindling number of winners in our balance-of-payments equation.

This music springs from the creativity of our people, and that creativity is genuinely all-American, a product of our ethnic and geographic diversity and the demands of our youth. What is critical, however, is that this all-American creativity takes place within the framework of the copyright law that encourages and nurtures it. The copyright system gives free reign to creativity, encourages competition, and rewards success. In music, success is popularity, and American music is the most popular in the world.

Now that copyright system is under assault. In October of 1985, the so-called source licensing bill, H.R. 3521, was introduced. This bill will benefit those who profit from selling the creative efforts of others. It would inflict a staggering blow on the copyright system which has helped make the success of American music possible.

Mr. Speaker, none of the arguments advanced by the proponents of the so-called music copyright reform legislation are new. They all have been made before impartial U.S. courts. These courts have found them wanting.

The most recent, and the most definitive, of these court decisions was handed down by a unanimous Second U.S. Circuit Court of Appeals in September 1984. If space permitted, I would insert the entire opinion for the review of my colleagues. But as this is not possible, I would like to cite certain relevant findings here refuting the key arguments advanced by the proponents of music copyright reform.

BLANKET LICENSE

Mr. Speaker, the supporters of H.R. 3521 claim that the blanket license, which is the method used throughout the world for music licensing, is somehow unfair, unreasonable, and monopolistic. In answer to these charges, the court stated the following:

Once again we consider the lawfulness under section 1 of the Sherman Antitrust Act of the blanket license offered by the American Society of Composers, Authors, and Publishers (ASCAP) and Broadcast Music, Inc. (BMI). The license permits the licensee to perform publicly any musical composition in the repertoire of the licensor. In this litigation the blanket license is challenged by a class of licensees comprising all owners of "local" television stations in the

United States, i.e., stations not owned by any of the three major television networks, ABC, CBS, and NBC. . . . We conclude that the evidence is insufficient as a matter of law to show that the blanket license is an unlawful restraint of trade. . . . The blanket license has been challenged in a variety of contexts. It has been upheld for use by nightclubs and bars, *BMI v. Moor-Law, Inc.*, 527 F. Supp. 758 (D. Del. 1981), *aff'd mem.*, 691 F.2d 490 (3d Cir. 1982), by radio stations, *K-91, Inc. v. Gershwin Publishing Corp.*, 372 F.2d 1 (9th Cir. 1967), cert. denied, 389 U.S. 1045 (1968), and by a television network, *CBS-remand, supra*. Without doubting that the context in which the blanket license is challenged can have significant bearing on the outcome, we hold that the local television stations have not presented evidence in this case permitting a conclusion that the blanket license is a restraint of trade in violation of section 1.

SOURCE LICENSING

Mr. Speaker, the supporters of H.R. 3521 claim that alternatives to the blanket license are not truly available. Yet the court found that there are three legitimate alternatives to the blanket license. The legislation seeks to mandate one of those—source licensing—as the only way to license music to the exclusion of the blanket license and the other two alternatives. Here is what the court said about source licensing:

As Judge Gagliardi noted, the "current availability and comparative efficiency of source licensing has been the focus of this lawsuit." *Id.* at 291. The availability of source licensing is significant to the inquiry as to whether the blanket license is a restraint because so much of the stations' programming consists of syndicated programs for which the producer could, if so inclined, convey music performing rights. Most of these syndicated programs use composer-for-hire music. As to such music, the producer starts out with the rights of the copyright, including the performing right, by operation of law . . . unless the hiring agreement otherwise provides. Thus it becomes important to determine whether the stations can obtain from the producer the music performing right, along with all of the other rights in a syndicated program that are conveyed to the stations when the program is licensed. As to "inside" music, source licensing would mean that the producer would either retain the performing right and convey it to the stations, instead of following the current practice of assigning it to the composer and publishing company, or reacquire the performing right from the composer and publisher for conveyance to the stations. As to "outside" music, source licensing would mean that the producer would have to acquire from the copyright proprietor the performing right, in addition to the "synch" right now acquired.

Plaintiffs sought to prove that source licensing was not a realistic alternative by presenting two types of evidence: "offers" from stations and analysis of the market. Prior to bringing this lawsuit, the stations

had not sought to obtain performing rights via source licensing. Perhaps prompted by the evidentiary gap emphasized in our decision in *CBS-remand* or by the taunting of defendants in this litigation, plaintiffs began in mid-1980, a year and one-half after the suit was filed, to create a paper record designed to show the unavailability of source licensing.

Various techniques were used. Initially, some stations simply inserted into the standard form of licensing agreement for syndicated programs a new clause specifying that the producer has obtained music performing rights and that the station need not do so. No offer of additional compensation for the purchase of the additional rights was made. Not surprisingly most producers declined to agree to the proposed clause. A vice-president of MCA Television Limited ("MCA"), one of the major syndicators, replied to KAKE-TV, "It is surprising to me that the station would attach a Rider of such magnitude without previously discussing it with us . . . [Y]ou are apparently asking us to undertake the clearance of the music performance rights in [the 'Rockford Files' TV series] without offering any additional payment . . . [W]e are unable to accept the amendment . . . This does not mean, of course, that a different approach is unacceptable. It does, however, mean that a change of this magnitude should be discussed well in advance so that our respective concerns can be addressed."

Another approach, evidenced by King Broadcasting Co.'s letter to MCA, attached a music performing rights rider to the standard syndication licensing agreement and added, "If [sic] and additional fee is in order, we would certainly consider favorable any such reasonable fee." Another approach, adopted by Chronicle Broadcasting Co. in letters to various syndicators, was a request for source clearance of music performing rights with the comment, "Chronicle recognizes that this contemplated change . . . may [sic] in some instances require an adjustment in the basic program license fees." Metromedia, Inc., owner of several stations, went further and asked Twentieth Century-Fox Television ("Fox"), "Since you are the 'seller', what is the price you would affix to the altered product [the syndication license including music performing rights]?" In reply Fox made the entirely valid point that since syndication licensing without music performing rights had been the industry practice for years, it was Metromedia's "responsibility to advise us in what manner you would like" to change the current arrangements. Notably absent from all of the correspondence tendered by the plaintiffs is the customary indicator of a buyer's seriousness in attempting to make a purchase—an offer of a sum of money.

Judge Gagliardi properly declined to give any probative weight to the plaintiff's transparent effort to assemble in the midst of litigation evidence that they had seriously tried to obtain source licensing. He found "plaintiffs' source licensing foray so darkened by the shadow of the approaching trial that its results may not be relied upon to support either side. 546 F. Supp. at 292.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Nevertheless the District Court concluded that source licensing was not a realistic alternative because the syndicators "have no impetus to depart from their standard practices and request and pay for television performing rights merely in order to pass them along to local stations." *Id.* This conclusion does not follow from some of the Court's factual findings and rests on a view of the syndication market that is contradicted by other findings.

The District Court viewed the syndication market as one in which the balance of power rests with the syndicators and the stations have no power to "compel" a reluctant syndicator to change to source licensing. *Id.* Yet the Court found that there are eight major syndicators, *id.* at n.13, and that they distribute only 52% of all syndicated programs, *id.* at 281, hardly typical of a non-competitive market. Moreover, the Court characterized production of syndicated programs as a "risky business," *id.* at 282, a finding fully supported by the evidence. It may be that the syndicator of a highly successful program has the upper hand in negotiating for the syndication of that program and would not engage in source licensing for music in that program simply to please any one station, but it does not follow that the market for the wide range of syndicated programs would be unresponsive to aggregate demand from stations willing to pay a reasonable price for source licensing of music performing rights.

The District Court recognized that, even under its view of a syndication market weighted in favor of the syndicators, source licensing could be said to be unavailable only if stations would not offer "premium prices." *Id.* at 292. There is no subsidiary finding as to what prices the Court thought stations would have to offer to obtain source licensing. That is not surprising in view of the failure of the plaintiffs to present evidence to show either what such prices might be or that they would be "premium" in the sense of significantly exceeding an objectively reasonable value of the rights obtained. Nor is the alleged unwillingness of the producers to undertake source licensing established by the fact that some producers own music publishing companies that receive royalties as their distributive share of the fees stations pay for the blanket license. The undisputed evidence shows that these fees are far too small to persuade syndicators to refuse to undertake source licensing in the face of reasonable offers. BMI, for example, typically distributes to a publisher between \$.50 and \$.85 for theme and background music in a half-hour episode of a syndicated program shown on a single station; by contrast, the syndication licensing fee can exceed \$60,000 for a single episode of a popular series shown in a major television market. Though some of the major producers that own music publishing companies have received more than \$1 million in annual television distributions of music royalties, those royalties are a small fraction of their syndication revenue.

PROGRAM LICENSING

Mr. Speaker, with respect to the alternative to the blanket license known as the program license, the proponents of H.R. 3521 claimed that this was not realistically available to them because the rates charged for this license were too costly. Here is what the court found regarding the television broadcasters' arguments about the cost of the program license:

First, the rates are charged against different bases. The blanket license rate is ap-

plied to a station's total revenue; the program license rate is applied only to revenue from a particular program. . . .

Second, the degree of difference between the two rates is largely attributable to the stations themselves. In negotiating a revision of license rates in the *Shenandoah* proceeding in 1969, the All-Industry Committee elected not to press for reduction of the program license rate, believing, as it informed the broadcasters it represented, that "the critical matter at this time was to get the best possible blanket license." Having preferred to win a lower price for only the blanket license, the stations are in no position to point to the widened differential between rates to show that program licenses are not realistically available.

Third, the only valid test of whether the program license is "too costly" to be a realistic alternative is whether the price for such a license, in an objective sense, is higher than the value of the rights obtained. But plaintiffs presented no evidence that the price of the program license is "high" in terms of value received. . . .

Fourth, even if there were evidence that showed the program license rate to be too "high," that price is always subject to downward revision by Judge Conner, who currently supervises the administration of the Amended Final Judgment. The aspects of that judgment are especially pertinent to any claim that the price of the program license is too "high." In a proceeding to re-determine rates, the burden is on ASCAP to prove the reasonableness of the rates charged, and the judgment expressly requires ASCAP "to use its best efforts to avoid any discrimination among the respective fees for the various types of licenses which would deprive the licensees or prospective licensees of a genuine choice from among such various types of licenses," Amended Final Judgment . . . (emphasis added). The availability of a judicially enforceable requirement of a "reasonable" fee precludes any claim that the program license rate is too high, especially in the context of television stations regularly represented by a vigorous committee with the demonstrated resources, skill, and willingness to invoke the rate-adjustment process. . . .

The lack of evidence that the program license is not realistically available has a two-fold significance in determining whether the blanket license has been shown to be a restraint. First, the program license itself remains as an alternative to the blanket license for the local stations to acquire performing rights to the music on all of their syndicated programs . . . the availability of the program license has a second and more significant consequence: The program license provides local stations with a fallback position in the event that they forgo the blanket license and then encounter difficulty in obtaining performing rights to music on some syndicated programs either by direct licensing or by source licensing.

DIRECT LICENSING

Mr. Speaker, I have already cited the court's findings on the television broadcasters' arguments regarding blanket, source and program licensing. There is one final alternative to the blanket license which the proponents of H.R. 3521 claim was unavailable to them, and that is direct licensing. This is what the court had to say about direct licensing:

The alleged infeasibility of direct licensing is . . . undermined by the acknowledged ability of the stations to secure direct licens-

ing of music needed for their locally produced programming . . . if the stations can realistically obtain direct licenses for local programming by offering reasonable amounts of money, they can avoid double payment by forgoing the blanket license. Their response is that they dare not do so because they will then be unable to secure performing rights to music on syndicated programs, which constitute the bulk of their program day. But, as we have previously noted, the availability of the program license enables them to forgo the blanket license and still obtain music rights for any program for which direct licensing proves infeasible. Alternatively they can pursue source licensing. . . .

CONCLUSION

Mr. Speaker, the court in its September 1984 decision dissected each of the arguments made today by the proponents of H.R. 3521. This was an impartial body with no ax to grind. The language is clear and devastatingly powerful. Supporters of this legislation are asking this Congress to believe what they have been unable to prove before an impartial tribunal, and that is that they are the hapless victims of a system stacked against them. Nothing could be further from the truth. The truth is that if H.R. 3521 succeeds, our country's songwriters would become financially victimized, and the American copyright system, which has led to the preeminence of American music throughout the world, would be shattered.

STUDENTS MEMORIALIZE HENRY CLAY LOUDENSLAGER

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1986

Mr. FLORIO. Mr. Speaker, I wanted to bring to the attention of my colleagues a commendable initiative undertaken by the fifth grade students of Loudenslager School in Paulsboro, N.J. For the past few months, the students, under the direction of their teacher, Christine Smith, have been researching the history of Henry Clay Loudenslager, who served in the Congress at the turn of the 20th century, representing the First District of New Jersey. Their school, built on land donated by the Loudenslager family, was named in honor of Congressman Loudenslager and, in an effort to promote school pride and a sense of history, the fifth grade students have been involved in hard work and research to focus attention on this fine legislator. A culminating project will include a ceremony next month in his honor.

On the event of the 75th anniversary of Congressman Loudenslager's death, the fifth grade students have issued a report on his life and his achievements. I would especially like to commend the efforts of the seven student members of the Loudenslager Committee. I hope my colleagues will join me in congratulating Marquisha Campbell, Amy Foster, Mary Lou Jones, Robin Montgomery, Scott Ravelly, Nicole Ruffin, and John Woodards for their diligence and dedication. Special praise

should also go to Mrs. Smith and Mr. J. Crawford who acted as advisers to the students.

As a successor to Henry Clay Loudenslager representing the First District of New Jersey, I would like to insert the text of the Loudenslager Report and express my pride in representing these students and my hope that they will continue to demonstrate interest in our country's legislative process for years to come. The report follows:

LOUDENSLAGER REPORT

PERSONAL LIFE

Henry Clay Loudenslager was born in Mauricetown, Cumberland County, N.J., on May 22, 1852. His parents were Sara and Samuel Paul Loudenslager. His father was a farmer and a preacher. Henry's father was also the county clerk for ten years. Young Henry was an assistant to his father.

Henry's parents moved to Paulsboro in 1856 when he was four. Henry helped work his father's farm during the growing season and attended public school in the winter. In 1872, he entered the produce commission business in Philadelphia and later headed that commission until 1882. In 1883, he was elected the County Clerk of Gloucester County. He served as county clerk for ten years until he entered Congress in 1893. He remained in Congress for ten terms. He died during his tenth term in 1911.

Henry Clay Loudenslager married Kate L. Salisbury on December 9, 1872. Kate Salisbury was raised in Gloucester County and her father owned the land in Gibbstown where the Dupont plant is now located. They made their home at "Claylock", the Loudenslager Mansion, which is located at 5th and Beacon Avenue in Paulsboro.

Henry and Kate had three children. Their oldest son, Harry Howard, was born in 1884. He was a very popular and had a promising future. He graduated from Yale University in 1907 and was to enter Michigan University to study law. But, his health weakened that year and his mother took him to Florida hoping he would recover. After a time, he returned to Paulsboro. It was here he caught a cold which became serious and ended in his death when he was 23 years old. Mr. Loudenslager was visiting the West Indies on a Congressional tour when Harry died.

Henry's second child was a daughter, Elizabeth S. Loudenslager. Elizabeth married A. Sheldon Clark on October 21, 1897, in New York. Sheldon Clark was the president of the St. Clair Oil Company. They had three children. Their first son, Sheldon A. Clark became the vice president of the Sinclair Oil Company. At the age of 36, he was shot and killed by his wife, Audrey Smith Clark, at the Loudenslager Mansion in Paulsboro. Their second child, a daughter, Catherine, died at 6 years old. Their last child, a son, Harry A. Clark, graduated from Alton Military School. He graduated from Michigan University and then attended Harvard Law School.

Henry and Kate had a third child, Mabel, who died at the age of six.

Kate Loudenslager died in 1930. Both Henry and Kate are buried in Eglington Cemetery in Clarksboro. There is a massive Loudenslager family headstone along with footstones for Henry, Kate, their two children Harry and Mabel, and their grandson, Sheldon A. Clark.

In the horse and buggy days, the Loudenslager family erected a monument on the corner of Delaware Street. This was used as a horse trough and drinking fountain. It

was later moved in front of "Claylock" in Billingsport. In later years, the Paulsboro Woman's Club moved it next to the library on the Commerce Street side. When Commerce Street was widened, it was moved to the other side of the Gill Memorial Library, where it stands today.

POLITICAL LIFE

Henry Loudenslager was selected as a clerk of Gloucester County from 1882-1892. In 1892, he was elected to Congress and, in 1893, he began serving in the House of Representatives from the First District, comprised of Camden, Cumberland, Gloucester, Salem, and Cape May counties. Until this time, Congressmen of the first District only served two terms. But, when Henry Loudenslager became Congressman, he broke tradition and served for ten terms. Christopher Bergen was the First District Congressman before Loudenslager.

Loudenslager won uneventful elections in 1894, 1896, 1898, and 1900. But in 1902, he ran against J. Alpheus Vansant who was backed by David Baird. The contest was a hot, bitter fight but Loudenslager won. Feelings were so intense that two men were shot to death at the polls. Loudenslager was re-elected in 1906 and 1908 with close votes.

In the election of 1910, Loudenslager spent most of his time at Republican National Committee headquarters in New York. Because of this, he endangered his own re-election. By 2:00 A.M. on Election Night, he seemed to be losing, but by 3:00 A.M. he received news that he won the election by about 900 votes. Members of his family, along with close friends, were gathered at headquarters to congratulate him.

When Mr. Loudenslager was first elected into Congress, he was put on the Committee on Coinage, Weights and Measures. Then he transferred to the Naval Committee. On this committee, he was connected with the new navy. Loudenslager felt that we should have a strong navy to protect us from all of our enemies.

He was responsible in a large part for the building up of the American Navy. When he first became a member of the Naval Committee, we had a very small navy, probably not over 300,000 tons. He took delight in building it up to a tonnage of about 1,300,000 tons and contributed his thought and labor to that end.

A quote by Mr. Loudenslager, in April, 1900, about his beliefs in the navy:

"I deem it an honor to be a member of the Committee on Naval Affairs, whose work forms so important a part of the duties of the House of Representatives, which has to do, perhaps, more than any other committee with providing means for defending the national honor and protecting the vast business interests of the United States, both at home and abroad.

I derive no little pride from the fact that since I have been associated with that committee I have stood at all times with those of my colleagues who have steadfastly pursued the policy of building up a navy for the United States that will be adequate to the needs of so great and glorious a Nation; for if ever a public policy has been vindicated; if ever the foresight of man in providing for the exigencies of the future has by subsequent events been demonstrated to have been wise, the history of the year 1898 can not be truthfully written without according honor and credit to those public men who since 1883 have planned or aided in the schemes for the construction of a navy for the United States that would be commensu-

rate with the urgent needs of this, the most important branch of the public defense."

During the war with Spain, he gave valuable service in the making of legislation for strengthening our fleets for the fight.

Loudenslager was the chairman of the House Committee on Pensions. He was often called the veteran's greatest friend because of his helpfulness and fairness in giving veterans, or their widows, their pensions. He cared for people that deserved the pensions. He fought against anyone that didn't deserve the pensions. When the Commissioner of Pensions made decisions that were not fair, Mr. Loudenslager and his committee would try to change them to make them fair. When Mr. Loudenslager challenged the decisions of the Commissioner, he was always guided by the law and established precedents.

Henry Loudenslager was a strong believer in the principle of a protective tariff which would help American industries and bring better times to American workers. A protective tariff is a tax to make foreign goods more expensive so people will buy American made goods.

In his first term, he became a member of the Republican Congressional Committee. In 1895, he was put on the executive committee. In 1906, he became the secretary of the committee. He was elected secretary of the R.C.C. because of his talent for business and a genius for organization. In 1906, 1908, and 1910, he had full charge of the committee's eastern headquarters in New York City.

On July 23, 1908, Mr. Loudenslager was elected chairman of the Republican Congressional Committee.¹ That afternoon, he held a conference with Speaker Cannon of the House of Representatives and Representative Sherman. The conference was about the chairmanship of the Congressional Committee.

Representative Loudenslager was one of the strictest regular party men in Congress. He always voted along with his Republican Party.

Loudenslager was a very hard-working Congressman who always answered every letter people sent to him. Loudenslager was always loyal to his friends and he was fair to his opponents. He was always kind and helpful to new members of the House. It didn't matter if they were Republicans or Democrats; he was ready anytime to aid younger members in any way he could.

Mr. Loudenslager was a very good speaker in small groups. He rarely spoke in the House, but when he did address Congress, he always received close attention. Loudenslager spoke in very clear terms; he expressed his ideas well, and always got right to the point.

At the time of his death in 1911, there were less than ten people in the House of Representatives who had served longer than Loudenslager. His long service showed the confidence that the people had in him.

ILLNESS AND DEATH

Despite the fact that he was not well in the fall of 1910, Loudenslager entered upon his duties as secretary of the Congressional Campaign Committee. He had little chance to rest after the campaign and the extra session of Congress found him badly run down.

When he first got sick, he left Washington for French Lick Springs, Indiana, where he hoped to regain his health. He didn't want

¹ Other sources state that Mr. Loudenslager was acting chairman of the committee.

to leave Washington because he believed his duty to his District required his presence there.

After staying for some time at French Lick Creek, he returned home to Paulsboro to continue his battle with illness. On July 27, 1911, the doctor said Mr. Loudenslager was suffering from a complication of diseases and several days ago was attacked by typhoid fever.

On August 8, Mr. Loudenslager was reported again in critical condition. Mr. Loudenslager had been attacked with kidney trouble early in June. Just as he was beginning to recover, he was seized with typhoid fever.

On August 11, 1911, Loudenslager had a sinking spell and he did not regain consciousness. Dr. L.P. Smittmatter of Philadelphia was called into Loudenslager's home and found out that he was suffering with uremic poisoning.

Henry Loudenslager died at his home at 10:30 a.m. on August 12, 1911. His family doctor was Dr. George C. Laws. He had suffered from typhoid fever, kidney trouble and uremic poisoning. His wife was at his bedside when he died.

Shortly after noon on August 12th, Representative Gardner told the House of Representatives about Loudenslager's death. The

The Federal bureaucracy has had its committee of 20 members of the House, with such members of the Senate as may be joined, be appointed to attend the funeral. To honor Mr. Loudenslager, the House adjourned at 2:58 P.M. that afternoon.

LOUDENSLAGER'S FUNERAL

The funeral of Henry C. Loudenslager took place on Wednesday, August 16, 1911, in Paulsboro. Loudenslager was laid out at Claylock, his home in Paulsboro. He was dressed in a full dress suit and laid in a San Domingo mahogany casket with mahogany bond handles and plates to match. There were many flowers including some from the Secretary of the Navy, the Republican National Congressional Committee, and the House of Representatives. Starting at 9:00 A.M., people visited his home to show their respect.

Many members of Congress attended the funeral. They left Washington that morning at 7:25 A.M. They traveled in a private train car. At noon, they reached Camden and their car was hooked onto a special train. This train held all the leading Republicans of Camden County. After stopping to pick up others in Woodbury, the special train reached Paulsboro at 12:45 P.M.

Congressional members who attended the funeral included:

Representatives: Bates and Butler of Pennsylvania, Roberts of Massachusetts, Padgett of Tennessee, Cannon, McKinley, Rodenberg of Illinois, Floyd of Missouri, Aiken of South Carolina, Cravens of Arkansas, Campbell of Kansas.

Senators: Briggs and Martice of New Jersey, Brandegree of Connecticut, Curtis of Kansas, Oliver of Pennsylvania, Nixon of Nevada, Williams of Mississippi, Hitchcock of Nebraska.

After the Congressmen had paid their respects, funeral services were started just after one o'clock. The minister at the service was the Rev. Alexander Corson of the Paulsboro Methodist Church. Following the services, Mr. Loudenslager was taken to Eglinton Cemetery in Clarksboro for burial.

The cemetery was crowded since more than 2,000 people attended the funeral. Nearly all kinds of businesses in Paulsboro

were closed for the day and nearly every resident joined the distinguished visitors in attending the funeral.

LOUDENSLAGER'S WILL

It was reported that Loudenslager left an estate of \$250,000 to \$300,000. William J. Browning, Frank Barto, and the Woodbury Trust Company were the executors. Mr. Loudenslager left all his estate to his wife, Kate L. Loudenslager, except for the following:

\$2,000 for the care of his lot in Eglinton Cemetery and that of the lots of his parents in Paulsboro.

\$40,000 to be held in trust for two free scholarships to be known as the "Elizabeth Loudenslager-Clark Scholarship" and the "Harry H. Loudenslager Scholarship" in remembrance of his deceased children.

\$300 was to be annually given to Cooper Hospital and the West Jersey Hospital in Camden after the death of his wife.

SCHOLARSHIPS

Mr. Henry Loudenslager left \$20,000 for the Harry H. Loudenslager Scholarship for Young Men. This money is to be used for the purpose of attending Yale University in New Haven, Connecticut. This scholarship is to be solely for the use of residents of the counties of Camden, Cape May, Cumberland, Gloucester and Salem. These counties comprised the First Congressional District of New Jersey during the time of Loudenslager's service in the Congress. This was his way of showing, posthumously, his affection for his constituents. No two scholarships may be held by residents of any one county at the same time. The continuation of each scholarship throughout the entire undergraduate course shall be dependent upon the student making a satisfactory record at the university.

The conditions under which the scholarships will be awarded to the applicant selected by the First Fidelity Bank, the Corporate Trustee, or an appointed committee, are:

The award will be made only to the applicant who has satisfied the requirements for admission to Yale University. Selection will be based on the intellectual promise, personality, and character of the applicants, as shown in credentials they submitted. Applications for admission should be submitted as early as possible in the last semester of the school course to the Admissions Officer of Yale University. Each applicant for a scholarship must secure from and file with the trustee, not later than March 15th, a form of application for scholarship. With this application must be the secondary school records including the first semester of the senior year.

The second scholarship is the Elizabeth Loudenslager-Clark Scholarship for Young Women. This scholarship may be used for the purpose of attending any recognized university in the United States where women are received. All other requirements and conditions are the same as the Harry Loudenslager Scholarship. The scholarships are currently administered at the First Fidelity Bank in Woodbury.

We have been over the records from 1932 and found that 11 men have gone to Yale and that 19 women have gone to the colleges listed below:

Wilson College, Johns Hopkins College, Conn. College for Women, Denison University, University of Penn., Douglass College, David Lipscomb College, New England Conservatory Drexel University.

Gettysburg College, Lynchburg College, Glassboro State College, Duke University,

Immaculata College, Griswold College, William and Mary College, Barnard College, Marywood College.

THE MURDER MYSTERY

Sheldon A. Clark, Jr., Henry Loudenslager's grandson, was shot on November 20, 1933, after he hit his wife, Audrey Smith Clark. He came into the dining room where Audrey was sitting and reading the newspaper. He hit her over the head with a pool cue. It put a deep slash in her head for which she was hospitalized. Audrey claims she didn't remember anything after being hit. It is reported that she shot him, but she didn't know if she did or not.

LOUDENSLAGER SCHOOL

Our school is located on Swedesboro Avenue in Paulsboro, New Jersey. It was built in 1926. The school was named after Henry C. Loudenslager. In interviews with several long time residents of Paulsboro, they indicated that the land the school is built on was donated by the Loudenslager family.

THE HENRY CLAY LOUDENSLAGER REPORT

Researched and written by the 5th grade Loudenslager Committee: Marquisia Campbell, Amy Foster, Mary Lou Jones, Robin Montgomery, Scott Raively, Nicole Ruffin, John Woodards.

Advisers: Mr. J. Crawford and Mrs. C. Smith.

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We would also like to extend our thanks to the following people as their cooperation and approval was needed to do the report: Mr. J. Banks, Principal of Loudenslager School; Mr. E. Weinhofer, Superintendent of Schools; and The Paulsboro Board of Education.

Our thanks also to Mrs. D. Winegardner for her help in proofreading and research attempts.

MILITARY RECRUITERS SUPPORT NEW GI BILL

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1986

Mr. MONTGOMERY. Mr. Speaker, as you are well aware, the administration's fiscal year 1987 budget proposal contains a recommendation that the new GI bill be terminated. There is simply no logic to this recommendation; it makes no sense.

In its 8½ months of operation, the new GI bill has proven once again that a meaningful education assistance program is the right incentive to attract smart, high-quality young

people into the Active and Reserve Forces. Military recruiters agree.

I offer the following letters, written by M.Sgt. Mary E. Tinkle, an Air National Guard recruiter in Washington State, as confirmation of the program's demonstrated success. Her comments are indicative of what I am hearing from recruiters and recruits around the Nation.

Mr. Speaker, when the administration sends its legislation to terminate the new GI bill to Capitol Hill, I urge my colleagues to consider Master Sergeant Tinkle's comments.

WASHINGTON AIR NATIONAL GUARD,
Bellingham ANG., WA, February 28, 1986.
Hon. G.V. MONTGOMERY,
House Office Building,
Washington, DC.

DEAR REPRESENTATIVE MONTGOMERY: The Washington Air National Guard recruiters thank you for your continued support of the reserve forces. Your concern and effective support of our veterans and service members is greatly appreciated.

I wish you continued success especially in your efforts to convince President Reagan to continue funding of the New GI Bill. Enclosed is a copy of my letter to President Reagan in that regard.

Sincerely,
MARY E. TINKLE, MSGT., WA ANG,
Recruiter.

Enclosure.
WASHINGTON AIR NATIONAL GUARD,
Bellingham ANG., WA, February 28, 1986.
Hon. RONALD REAGAN,
Commander-in-Chief,
The White House, 1600 Pennsylvania
Avenue, Washington, DC.

DEAR PRESIDENT REAGAN: From July 1985 through February 1986 I have enlisted or reenlisted 25 individuals in the Washington Air National Guard, 262 Combat Information System Squadron, whose final impetus was the implementation of the New GI Bill.

As I'm sure you're aware, the Veterans Education Assistance Program (VEAP) did not apply to reservists and participation by eligible active duty members was at a 6 percent rate.

The 262 CISS is a high technology squadron in a low technology area of the country. I must get out and really "beat the bushes" for the quality recruit that I require for the electronic mission. This also is a high unemployment area. Most of my recruits who would like to further their education cannot do so without help of the New GI Bill.

As a Washington Air National Guard recruiter, I urge you to continue funding for the new GI Bill so that I can continue to enlist quality recruits for our demanding mission.

Sincerely,
MARY E. TINKLE, MSGT, WA ANG,
Recruiter.

ANTI-UNITA FUNDING

HON. CHARLES A. HAYES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1986

Mr. HAYES. Mr. Speaker, as many of our colleagues continue to prepare themselves for the critical debate of aid to Jonas Savimbi and his national union for the total independence of Angola [UNITA], I would like to share with them an article written by Dr. Conrad W. Wor-

rill which appeared recently in the Chicago Defender newspaper.

Dr. Worrell's article paints a clear picture as to why we should not give aid to UNITA, whether it is covert, overt or otherwise. As he points out, "The Angolan people have a right to determine the destiny of their country." I agree with his viewpoint and I am confident that many of my colleagues feel likewise. Hopefully, the following article will help those Members who are yet undecided in coming to the realization that funding UNITA is not in the best interests of Angola, the southern region of Africa or the United States. The article follows:

SAVIMBI, REAGAN, AND AFRICA

(By Dr. Conrad W. Worrell)

In 1884 the former slave trading nations such as France, England, Germany, Portugal, Spain, etc. called a meeting in Berlin, Germany, to deal with the issue of dividing up Africa among themselves. After over 2,000 years of invasions, intrusions and foreign intervention in Africa, African people had virtually lost control of this great continent to the former European slave traders. The Berlin Conference gave the Europeans an opportunity to debate with each other over who would control which part of Africa. This is called the colonial period in African history.

The Portuguese were granted the territories of what is called Angola, Mozambique and Guinea-Bissau. Through the revolutionary spirit and self-determination of the African people in these territories, an armed resistance movement unfolded in the 1960's culminating in the defeat of the Portuguese by the mid-1970's in Guinea-Bissau, Mozambique and Angola.

The people of Mozambique, Guinea-Bissau and Angola chose their own leadership through their liberation movement organizations when they reclaimed their countries back from the Portuguese.

The United States' involvement in Angola has been in the news in recent weeks. On January 28, Jonas Savimbi, head of the National Union for the Total Independence of Angola (UNITA) arrived in the United States to seek support for his continued counter-revolutionary war against the new government of Angola (By the way, for those of you who don't know, Savimbi is a Black man).

During the war against the Portuguese in Angola there were three liberation movement groups that fought for the reclaiming of their country. They were the MPLA (Popular Movement for the Liberation of Angola), FMLA (National Front for the Liberation of Angola), and UNITA. When the war was over and the Portuguese were forced to flee Angola, the majority of Angolans backed the MPLA to become the new government.

It has become generally known that even before the Angolan people won their country back that UNITA was receiving aid from the United States through the CIA. Progressive world opinion was mounted against UNITA and its leader Savimbi as a reactionary force in Angola.

The Angolan people since 1976 have been in the process of rebuilding their nation. One of the major problems has been the fact that UNITA, who at one point had their guns pointed toward the Portuguese during the war, has now been turning their guns against their own people, backed by the CIA.

It is clear that Savimbi represents a tool of the United States in its efforts to maintain influence in the southern region of Africa. The red carpet treatment extended to Savimbi in his 10 day trip to the U.S. by the Reagan administration indicates the severity of U.S. involvement in this region of Africa.

The National Black United Front (NBUF) views Savimbi and UNITA as part of a network of right wing supported movements, which include Contra forces in Nicaragua, that are hoping to receive covert aid from the Reagan administration, with congressional approval. These forces are attempting to topple governments who fought valiantly for many years to oust U.S. supported dictatorship and colonial powers.

The Reagan administration told Congress last week that it has decided to provide UNITA with an estimated \$15 million for anti-aircraft and anti-tank missiles.

African people worldwide must unite firmly behind the efforts of the Angolan people to continue their fight for self-determination. The Angolan people have a right to determine the destiny of their own country.

Dr. Savimbi has been shunned by African heads of state and most recently by the Congressional Black caucus, whose actions we overwhelmingly applaud.

No amount of material aid from this country will stop the Angolan people from rebuilding their society in their own image and interests. We must support them. Call 268-7500 ext. 144 for more information.

NURSING HOME RESIDENT PROTECTION ACT OF 1986

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1986

Mr. PEPPER. Mr. Speaker, I am introducing today legislation which I believe will afford our Nation's 1.5 million nursing home residents the protection they so rightfully deserve.

Over the past 20 years, numerous congressional and State investigations have revealed case after shocking case of nursing home conditions in which frail elderly residents are subject to neglect, abuse, and denial of rights. The findings of these investigations have recently been independently confirmed by a 2-year study performed by the National Academy of Science's Institute of Medicine. The study panel had a diverse membership including nursing home operators, nursing home resident advocates, State inspection officials, and medical and health policy experts. The study is the first ever independent national review of nursing home care and the role of Government in assuring quality.

Along with my distinguished colleagues, the Honorable JOHN DINGELL, chairman of the House Energy and Commerce Committee and the Honorable HENRY WAXMAN, chairman of the Subcommittee on Health and the Environment of that distinguished committee, I called for this study in 1983 in response to attempts by the Reagan administration to dismantle the Government's system to protect nursing home residents. This report sends a clear and unified answer from consumers, providers, and regulators that the current system is grossly

inadequate and that it must be significantly strengthened rather than diluted.

The Nursing Home Resident Protection Act of 1986 is a comprehensive legislative package to carry forth and expand upon the National Academy of Science's recommendations. I am pleased to see that the Institute of Medicine recognized the need for better enforcement. It must be recognized that there are six essential ingredients for effective reform: specific and uniform resident-centered standards of nursing home care; a full range of applicable penalties for poor care with specific criteria as to how and when they should be applied; reliable methods of inspection; properly trained professional inspectors; aggressive action against identified poor providers; and, increased consumer and community involvement in nursing homes.

I've based my legislative reform package on my fundamental belief that it is the responsibility of Government to guarantee the protection of the rights of the frail vulnerable people who reside in nursing homes primarily supported by the Federal dollar.

A summary of the major provisions of the Nursing Home Resident Protection Act of 1986 follows:

I. ESTABLISH EFFECTIVE AND UNIFORM STANDARDS OF NURSING HOME CARE

(1) Today there exists a strictly paper distinction between levels of care offered in nursing homes. "Intermediate" level nursing homes in most cases are providing the same level of care as "skilled" nursing homes, yet are required to meet fewer and less demanding standards. Recognizing this unfair fabricated distinction, the Pepper proposal would require all nursing homes seeking government approval to meet the same federal standards.

(2) Current federal laws allow many nursing homes to leave the sole supervision of frail ill nursing home residents during the nighttime in the hands of untrained nurse aides. Congressional investigations have revealed that the lack of round the clock trained supervision has led to many unnecessary resident deaths and injuries. To address this problem, all nursing homes would be required to have a registered nurse on duty at all times.

(3) Nurse aides provide nearly 90 percent of all direct care to nursing home residents. Nurses spend less than one-half an hour caring for resident each day, while doctors provide less than half a minute daily with residents. Despite this, nurse aides are typically untrained and poorly educated. Therefore Chairman Pepper is proposing that all nurse aides complete a federally prescribed 60 hour preemployment training program in a state accredited institution.

(4) Recent investigations by the Subcommittee on Health and Long-Term Care of the House Select Committee on Aging revealed that frequently the perpetrators of nursing home resident abuse have previous criminal or psychiatric records. To address this problem the Pepper proposal would require that all nursing home employees providing direct care to residents clear a background check (similar to that required of child care providers) for criminal violations.

(5) One of the persistent criticisms of federal nursing home regulations is that they measure only the capacity to provide adequate care and not the actual provision of care. A review by Chairman Pepper indicates that fewer than one percent of all fed-

eral standards measure the actual performance of nursing homes. Under the Pepper proposal current federal standards would be rewritten to emphasize the measurement of actual nursing home performance and not just the capacity to perform.

(6) It is the consensus of national experts that regular assessments of residents are essential to proper care and could serve as the future basis of regulation. Pepper's package requires all nursing homes to provide for regular assessments of an individual patient's medical and social condition and needs.

II. MANDATE THE ESTABLISHMENT OF A FULL RANGE OF PENALTIES FOR UNACCEPTABLE NURSING HOME CARE

(1) Many poor nursing homes which are "home" to abuse and neglect go unpunished and continue providing unacceptable care. One cause for this inaction is the very limited nature of penalties available to the federal and state governments. Currently, the only options available to the federal government are to either close a nursing home or let it go unpunished. Because of the critical shortage of nursing homes, the federal government has chosen to take the latter approach. In 1984, only 32 of the 154,000 nursing homes in the nation were closed. Most of these 32 nursing homes were closed only temporarily and were back in business a few days later. Therefore, Pepper would require that both the federal and state governments have at their disposal a set of graduated intermediate sanctions which would include at a minimum civil fines, ban on new admissions, receivership, and monitorship. These sanctions would have uniform wording and federally specified criteria for their application. For states, this would be required as a condition for approval of state Medicaid plans.

(2) Pepper's investigations have found that those charged with the responsibility for providing care in nursing homes, owners and operators of these facilities, bear little personal or legal liability when abuse is uncovered or death is due to questionable circumstance (such as death from malnutrition or starvation). Owners often simply sell the "problem" nursing home and buy another. Pepper's plan would make nursing home owners and operators criminally liable for harm to residents of their facilities caused by facility negligence or other wrongdoing.

(2) Establish a private right of action under the Medicare and Medicaid programs to facilitate nursing home residents and their advocates to sue nursing home providers for the provision of care which does not meet federal minimum standards.

(3) Many inspections are performed by nurses and social workers not trained in investigative procedures or the documentation of cases for legal action. Also, neither the states or the federal government specifically target bad nursing homes for legal action. Pepper's plan would require and provide 100% federal funding for special state inspection teams made up of lawyers, physicians, investigators, and other health professionals to monitor, inspect, and prepare cases against targeted chronically substandard nursing homes.

III. MANDATE RELIABLE METHODS OF INSPECTION

(1) Numerous Congressional and state investigations have revealed that nursing homes often know of impending inspections and "straighten up" just for the review by hiring temporary staff and borrowing linens from other facilities. Pepper's plan would

require that all nursing home inspections be unannounced and on a random basis. Inspections could be from 9-15 months apart, but the average interval for all homes in a state could not exceed 12 months. This would allow problem nursing homes to be inspected more frequently and provide incentives for good performance while assuring that inspections are truly unannounced.

(2) It is frequently following such a change in owners and/or key staff of nursing homes that facilities encounter serious management and/or patient care problems. The Pepper proposal would require that nursing homes receive an additional short inspection following a change in its ownership or in key staff (e.g., administrator, director of nursing or medical director).

(3) Require that all inspections be focused on the quality of care provided residents and the physical environment of the nursing home.

(4) Require that inspectors interview residents and community representatives privately about the quality of care they receive and that this information be used in determining compliance with standards. Resident and community representatives would be allowed to participate in the "exit conference" between inspectors and facility officials to discuss inspection findings.

(5) State inspectors are now required to act both as consultants policemen. This creates an obvious conflict of interest. Pepper would require that states' inspection and consulting responsibilities be strictly separate.

V. PROVIDE PROPER RESOURCES FOR INSPECTIONS AND ENFORCEMENT ACTIONS

(1) There are no federal requirements as to the background or qualifications of nursing home inspectors and those hired receive little training. Pepper would require that inspections be conducted by a multidisciplinary team of professionals which must include a nurse, dietician, and sanitarian who have passed a federally designed and administered competency exam. Pepper would also mandate and provide 100 percent federal funding of initial and ongoing inspector training. This training would be specifically geared toward improving uniformity of findings among inspectors and to documentation of problems to be used in enforcement actions against facilities.

(3) Last year the federal government inspected only 278, or less than 2 percent, of the nation's 15,000 nursing homes. This is not an adequate validation of the findings of the states. Pepper would require that the federal government perform "look behind" inspections of at least 5 percent of all nursing homes annually. This will require the hiring of additional federal inspection staff.

V. PENALIZE STATES WHICH DO NOT ADEQUATELY PROTECT NURSING HOME RESIDENTS

(1) Although the federal government pays nearly \$12 billion dollars for nursing home care, it often finds itself powerless to act against states which fail to adequately protect nursing home residents. Pepper would give the federal government authority to withhold survey and certification funding from states which do not carry out enforcement actions against noncompliant nursing homes.

VI. INCREASE CONSUMER AND COMMUNITY INVOLVEMENT IN PROTECTING NURSING HOME RESIDENTS

(1) The protection of residents' rights, which should be the focal point of all nursing home requirements, shares the same

level of importance in current federal standards as does the requirement that nursing homes have a written plan of action for natural disasters. The only formal action required by the federal government for the violation of residents' rights is that offending nursing homes submit a piece of paper saying that they will not allow violations to recur. Pepper's plan would require that the protection of residents' rights be a fundamental goal of federal regulation and thus be raised to a condition of participation for all nursing homes, the violation of which would trigger the application of specific penalties.

(2) Require all nursing homes to establish community advisory boards to assist in facility planning and to coordinate interaction between the community and the nursing home.

(3) Often those designated by the government to advocate and protect nursing home residents are not even allowed entrance to facilities. Pepper would significantly strengthen the long-term care ombudsman program by assuring certified ombudsman complete access to nursing homes and increasing federal financial support and administration of the program.

(4) Inspection reports are often the only written information on the quality and past performance of nursing homes. However, these reports are often not made available to the very people who need them. Chairman Pepper recommends that nursing homes be required to post inspection reports in a location accessible to nursing home residents and their families and advocates as well as those comparing nursing homes for future use.

Mr. Speaker, I believe that we have a fundamental obligation to ensure the protection of those in our society who cannot protect themselves. We now have the opportunity to achieve meaningful reforms which are long overdue.

I strongly urge my colleagues to join me in supporting this timely and much needed reform legislation.

EMERGENCY ENERGY ACT OF 1986

HON. W. HENSON MOORE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1986

Mr. MOORE. Mr. Speaker, today I am introducing, with my colleague from Texas [Mr. ARCHER] emergency legislation designed to assist the survival of the domestic energy industry. Our bill, H.R. 4476, offers tax incentives and the repeal of laws that discourage exploration, production, and marketing of oil and natural gas in the United States.

My home State of Louisiana has been blessed with an abundance of natural resources. For many years, the oil and gas industry has served as the backbone of our economy. These were good years and our people prospered.

Times are tougher now. Crude oil prices are dropping. Rigs are stacked. Gas producers can't sell their product. Companies are going bankrupt. People are out of work. While the rest of the economy is improving, the domestic oil and gas industry is in a depression.

Now is the time for action. The energy industry of this country is crucial to national security and economic growth. One need only look back to the energy crisis of the 1970's to see what can happen if we allow our domestic production to drop to a level where we are overdependent on foreign imports.

My bill includes a package of tax incentives for production and exploration. The first is marginal production tax credit. Currently, the market price for domestic crude is lower than the cost of production. Production costs are particularly high for low-volume tertiary and stripper wells. In order to keep these wells producing until prices stabilize at a normal level, this tax credit will serve to keep marginal production profitable.

The credit would be for the net loss to integrated or independent producers incurred after applying the costs of production to gross income and would be limited to \$5 per barrel.

One of the most serious long-term consequences of the current drop in crude oil prices is that many exploration companies are being forced out of the industry permanently. In the future we may face a critical lack of exploratory capability. Therefore, to encourage continued exploration activity, I propose a 15-percent tax credit for domestic exploration expenses.

My bill would also repeal the windfall profit tax. I have opposed this tax since it was first proposed. Currently, virtually no windfall profits are being made. Little tax is being collected. Only the administrative burden of compliance remains.

Repeal of the tax will remove this burden which is oppressive, not only on the oil industry, but on the Federal Government as well.

The Fuel Use Act would also be repealed under my bill. Natural gas producers are having great difficulty reaching domestic markets. Repeal of the Fuel Use Act will allow natural gas to compete in all markets, including electric generating plants.

The deregulation of natural gas is another feature of my bill. This change is a long time coming. Natural gas regulation has not worked. Now is the perfect time to allow market incentives to straighten out the regulatory mess that has resulted in gross distortions in natural gas markets.

I also propose the continuation of construction and filling of the strategic petroleum reserve. The Saudis are partially responsible for current market conditions in their hope of regaining a larger share of the United States market. If, because of a loss of production and exploratory capability, we become dependent again on foreign imports, SPR could be crucial to our national security. Now is not the time to stop buying oil to fill SPR.

The Department of Energy should take advantage of low prices, while at the same time providing another market for domestic producers. Therefore, my proposal includes the condition that SPR be completed with domestically produced oil.

Other provisions of the bill include: eliminating property transfer rules that prevent independent producers from taking percentage depletion on properties transferred to them by integrated energy companies; repealing the 50-percent net income limitation on the application of percentage depletion allowances;

permitting full deductibility of intangible drilling costs and expansion of the definition of IDC's to include geological, geophysical, and surface casing costs as deductible; and extending to insolvent oil and gas producers the favorable tax provisions that apply to insolvent farmers in the House-passed tax bill.

There is no single cause of the current decline in the domestic energy industry, so I have not offered a single solution. This is a comprehensive bill that will do a great deal to solve the short and long range difficulties of the energy industry. With energy prices at an unrealistically and unexpectedly low level, the time could not be more opportune to offer such a far-reaching proposal.

VOICE OF DEMOCRACY ESSAY

HON. DICK CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1986

Mr. CHENEY. Mr. Speaker, I am honored to share with you Renee Annette Paravecchio's award winning Voice of Democracy essay. Renee is from Cheyenne, WY, and submitted her entry entitled "New Horizons for America's Youth" to the annual VFW competition. She shares with us the idea that the youth of our country are eager to work to see changes made in our Nation and the world. She compares the tactics for change employed by the youth of the 1960's and 1970's to those used today and expresses her opinion that today's methods are more constructive. Renee is able to convey the excitement and enthusiasm of today's youth and I'd like to urge my colleagues to read this fine essay.

NEW HORIZONS FOR AMERICA'S YOUTH

The summer of 1985 was filled with the musical echo of millions of people joining together. The words, "We are the World" became the trademark of a generation unified by a cause. The climax of the USA for Africa drive came at the beginning of the Live Aid concert, when folk singer Joan Baez proclaimed: "This is your Woodstock". But was it really? The purpose of Woodstock was individual gratification. The youth of the late 60's and early 70's had adopted the attitude of "if it feels good, do it". Woodstock was a pleasure seeking experience, Live Aid was a giving experience, an example of the new unselfish attitude expressed by the youth of the 80's. Once the youth acted in this manner, the mainstream of society followed along.

The young people of America are known for their driving, influential force on the world. Not just the youth of the eighties, but the flappers of the twenties, the hippies of the sixties. An Irish proverb states, "Praise youth and it will prosper". The young people of America have proven this to be true before. But what about the future? What are the new horizons for America's youth?

Examining the past is one of the best ways to predict the future, and what the youth of the past did is very influential to us today. According to Dr. Morris Massey of the University of Colorado, "you are what you were, when". His analysis explains that the environment a person is living in at age 10 directly affects the way a person reacts

and controls what they value for the rest of their lives.

Using this analysis, look at what was influencing teenagers of today when they were 10 years old. That would put us to the time period around 1977 to 1978.

Jimmy Carter was the President of the United States, and we witnessed his pardoning of Vietnam draft evaders, the signing of the Panama Canal treaty, and his deferring production of the neutron bomb. We experienced disaster, severe winter weather, international terrorism, and the crunch of the energy crisis and the worst airplane crash in history. Elvis Presley died, and Gary Gilmore was the first man executed since 1967.

These occurrences showed those impressionable 10 year olds that our world was crumbling. In fact, this attitude was carrying over from what the youth of the 1960's felt. They saw the threat of the nuclear age, the Vietnam war, racial turmoil, and our ecosystem polluted. But examine the way they responded. Lock ins, protests, pickets, riots. These actions became immortalized in the history books that my generation read. We saw that the youth accomplished little from these methods of expressing themselves.

The effects of these influences are already immersing in the 1980's. Look again at the example of USA for Africa. The young people could have easily protested, like prior generations, that the government do something. Instead, they took action, started local drives and contributed to the cause. I believe the youth of today have learned to work with the system to accomplish great things. We are a unique group in that we have explored varied options of expressing ourselves, we are creating new horizons.

I feel that my generation is one that is aware of our world, and wants to better it. Unlike the past, we are not waiting for action, instead, we are an instrumental force in change. I see examples of this everyday in my peers, students that are giving, accomplishing and promoting change. We have learned from looking at the past, that we are responsible for the world, that we are the leaders of the future. I also see a great desire by my age group to set a good example for the young children that are impressionable now. Many of us didn't like the world we lived in when we were ten. Thus, the reason we are ambitious to change now and not wait for when we are adults.

The future holds the excitement of seeing how these changes will progress. The youth of today are taking control of their horizons. We are creating new horizons.

CARL JOHNSON III

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1986

Mr. DONNELLY. Mr. Speaker, local government in most communities runs on the energy and commitment of public-spirited citizens who serve part time. They devote long hours to town government, receiving little or no compensation beyond the satisfaction of helping their neighbors and seeing an important job well done.

I rise today to take a moment to recognize the decade of service Carl Johnson III has provided to Braintree, MA. Carl has just

stepped down after serving as town selectman, a post his father held before him.

Those of us who have worked with Carl will miss his contribution at town hall. But we also recognize that his departure represents only an interruption, not an end, to his public service.

A reflection on his work on behalf of the town was published recently in the Patriot Ledger of Quincy, MA, and I would like it read into the RECORD at this point:

JOHNSON: TOWN HAS GROWN, MATURED IN LAST 10 YEARS

(By Kevin Bears)

BRAINTREE.—Ten years ago, when his father was sick and had lost his seat on the board of selectmen, Carl Johnson III made his first bid for the office. It was his father's defeat in 1975 that launched the younger Johnson's career in politics.

Soon afterward, his father—a former state representative, selectman, moderator and town clerk—died.

"There was a good deal of emotional involvement in that campaign. Through his example, he excited me," Johnson said in his Quincy law office last week. "He was a very astute politician. He was a professional. I don't know if I was or ever will be a professional politician. The room (selectmen's chambers) is named after my father and that was a sort of a responsibility."

Johnson, who stepped down last week after a decade of service, reflected on his years as a second-generation selectman and commented on the town's future. He said business concerns and the need to spend more time with his wife, Margaret, and their two sons prompted his decision to quit.

"My youngest son used to say to me, 'Oh, it's Monday night.' It's a way of life I grew up with and I can empathize with them," said Johnson.

But business commitments also convinced him it was time to step down.

Johnson's involvement in converting the Duane salvage yard in Quincy into a condominium development, as well as his law practice, factored into his decision.

"The opportunity was there (in the Duane project) for me to be involved in a significant development," he said.

Looking at the town's future, Johnson predicts Braintree will be an expensive community in which to live. "It was a blue-collar town and it has changed a lot in the past 25 years and a lot more in the past 10," Johnson said, adding that the town is unlikely to face massive development in the future.

"We've reached a point where we're a mature town. The question now will be 'What should the town do to reuse its old buildings?'" Johnson said. While truck traffic will moderate as the town shifts from heavy industry to more service-oriented companies, he predicts traffic in general will increase. "People make planned visits to Braintree, whether to work or shop."

Calling himself a moderating influence on the board in recent years, Johnson said his experience as a lawyer was a big contribution. He said he considered himself an independent voice on the board.

"People could never say they could count on my vote one way or the other," said Johnson.

On the subject of town government, Johnson admits there are problems.

"The present system is cumbersome and not conducive to the expeditious handling of things," Johnson said. But he called Braintree's slow response to issues and prob-

lems an asset as well as a liability. Despite its weaknesses, Johnson feels major changes in town government are unlikely.

"The town has had representative town meeting since 1939. I don't think town meeting will ever do anything with that," Johnson said. One change that could centralize town government, he said, would be to give more responsibilities to the executive secretary and planning director.

Johnson has no immediate political plans.

Having unsuccessfully run for state representative twice, Johnson rules out serving in the Legislature. But the 37-year-old former selectman may yet make another bid for his old job, though not in the next three years.

"There's probably still 30 more years for me to run for selectman."

JOSEPH NEWMAN

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1986

Mr. DANNEMEYER. Mr. Speaker, I am proud to be the sixth Member of Congress to introduce a private bill for the relief of Joseph Newman. For nearly 7 years Joseph Newman, an inventor from Lucedale, MS, has been unjustly denied a pioneer patent by the U.S. Patent and Trademark Office for a truly revolutionary machine. Mr. Newman believes his machine can safely and inexpensively create more usable energy than it consumes. If his claims are true, Mr. Newman's perpetual motion machine can provide enough energy to enable all the people in the world to light, heat, cool, or power their homes, businesses, automobiles, airplanes, tractors, ships, trains, space crafts, and so forth.

Mr. Newman applied for a patent in 1979 and was rejected in 1982. Since then he has appealed his case to the U.S. district court and the U.S. court of appeals to no avail. It seems to me that Mr. Newman has received arbitrary and unfair treatment from the Patent Office and the courts. No harm is done by immediately granting Newman a patent. If his machine works then no more wars need to be fought over our limited fuel supply. There will be limitless, efficient and nonpolluting energy available to everyone.

The Federal bureaucracy has had its chance, now let's give Mr. Newman a try!

The article follows:

[From *Regardie's* magazine, December 1985]

PERPETUAL NOTION

(By Rebecca Pittman)

So far, inventor Joseph Westley Newman, Route 1, Box 52, Lucedale, Mississippi, has spent upwards of \$250,000 and nearly seven years of his life at war with the U.S. Patent and Trademark Office. For the past three years, Newman has duked it out with the PTO before a federal district court in Washington, which he hopes will, once and for all, order a patent on his Revolutionary Energy Machine.

At this point, it seems likely that nothing short of an order by a federal judge will persuade the PTO to protect Joe Newman's device. Through years of administrative appeals and litigation, the Patent Office has held fast to its belief that his energy ma-

chine "smacks of perpetual motion." And page three of its handbook clearly states that "alleged inventions of perpetual motion machines are refused patents"—even, it seems, if they work.

Not that Newman would ever pin a shady, derisive label like "perpetual motion" on his invention. What he claims is that his amazing machine operates with vastly greater efficiency than your standard electromagnetic engine—so much so that it puts out more energy than it takes in, up to 25 times as much. Strict adherents of the First Law of Thermodynamics needn't take exception, however; Newman doesn't claim to be creating energy. He says his machine captures subatomic "gyroscopic" particles orbiting in a magnetic field, and simply releases electromagnetic energy that's already in the system. The net effect, he claims, is the conversion of mass to energy, $E=mc^2$.

If Newman's Revolutionary Energy Machine does indeed generate the cheap, non-polluting, virtually unlimited energy he says it can, its impact could be profound. Homes, cars, even entire factories could be powered by self-contained, one-time-purchase units. Nuclear reactors and internal combustion engines would become as archaic as the wood-burning stove. And since Newman claims that his machine represents the mechanical unification of the gravitational, nuclear, and electromagnetic fields, a lot of physics textbooks would need revising.

All this may sound farfetched, but the fact remains that some 30 engineers and scientists, including a NASA aerospace engineer, a nuclear physicist, and an electrical engineer who worked on the Saturn 5 project, have tested Newman's energy generator and swear it works. Roger Hastings, a physicist for the Sperry Univac Corporation, states in an affidavit: "Every experiment that I have performed shows that the energy output of the device is indeed larger than the energy input." He adds, "The future of the human race may be dramatically uplifted by the large-scale commercial development of this invention."

But before Newman starts mass-producing anything, he wants a patent to protect himself from potential competitors. Patent Office officials, however, have stood their ground and refuse to even comment on the matter while it is in litigation—except for one PTO spokesman, who claims that "Mr. Newman's case isn't any more unusual than anyone else's."

L'affair Joe Newman might be run-of-the-mill stuff over at the Patent Office, but it's turned some heads on Capitol Hill. This past summer Newman's attorney, John P. Flannery—a young, aggressive former federal prosecutor and an unsuccessful Virginia Democratic candidate for the U.S. House in 1984—asked every member of Congress to help his client. In October, Republican Representative Dan Burton of Indiana introduced a bill to grant Newman a pioneering patent. Burton says he would like to see a congressional investigation of the PTO's mishandling of Newman's patent application, and at least 10 other senators and representatives have taken up Newman's cause with Donald Quigg, the commissioner of the PTO.

"It is my understanding," wrote Democratic Representative Norman Dicks of Washington, "that despite physical evidence to the contrary, your office has taken the position that Mr. Newman's invention cannot be scientifically possible." He added that "it is disconcerting to me to find that the Patent Office, although charged with

encouraging and protecting scientific study and inquiry, would refuse to consider an application on its merits simply because it is revolutionary."

Congressmen aren't the only ones wondering why the Patent Office, under no onus to guarantee what it protects, appears hellbent on thwarting the development of an invention that might someday put Pepco out of business and turn the Middle East into one of the world's more superfluous spots. "After everything is said and done, they should find a way to put Joe's work out to public scrutiny," says retired Washington patent attorney Paul Gomory, a consultant to Newman. "If he has something that works we ought to find out and do something with it. If it doesn't work we ought to find out about it and go on. We can't hobnob on this thing for the next 15 years."

Between Hattiesburg, Mississippi, and Mobile, Alabama, as the crow flies stretches 100 miles of two-lane highway clogged by log trucks and lined with spread-eagled armadillos stiff with rigor mortis. Considered outlandish even by Southern standards, southeast Mississippi never has been much more than some place you have to drive through to get to Alabama and Florida Gulf Coast resorts.

Smack-dab in the middle of this outback, just past a stark black-and-white billboard announcing GOD MAKES HOUSE CALLS, is Lucedale, Mississippi, population 2,500. A while ago its main claim to fame was the public backscratching post at the Coffee Pot Restaurant, upon which the likes of Tennessee Ernie Ford, Dizzy Dean, and Ronald Reagan have abraded themselves. But for several years now a procession of outsiders has come to Lucedale and, instead of blowing through town loaded with Coppertone and six-packs, stayed on to meet the man who made the Revolutionary Energy Machine.

Newman lives beyond the edge of Lucedale proper, down a mile of deeply rutted dirt road through the piney woods, past a gate and a few mildly intimidating KEEP OUT signs. The term "backwoods inventor" is an accurate one for Newman, but forget Tobacco Road. Newman, his wife, Ellen, and their two-year-old son, Gyromas (named for his daddy's gyroscopic theories), live in a comfortable, brick ranch-style house guarded by a misanthropic Doberman pinscher named Night. "I live secluded because I like to be secluded," says Newman. "I like people, I like to help people, but I really don't like them to make a whoop-de-do over me. That's not my cup of tea."

In a clearing behind the main house is a brand-spanking-new pine-board building identified by a brass plaque as the "Research Center for the Energy Machine of Joseph Newman." Inside is a conference table and some chairs, pieces of electrical equipment, and a 75-pound punching bag, which Newman uses to let off steam. "I beat the hell out of it," he says. Across one wall hang paper banners with quotes from the two men Newman credits with inspiring his work: 19th-century English scientist Michael Faraday ("How Few Understand the Physical Lines of Force!"), and mathematician James C. Maxwell ("The Energy in Electromagnetic Phenomena is Mechanical Energy").

At the far end of the room stands the Revolutionary Energy Machine. This, the largest prototype of Newman's invention, looks like a hot tub mounted on an oak platform. It weighs 9,000 pounds and cost him \$23,000 to build. An overhead mirror re-

flects its innards, which are downright simple: eight miles of copper wire coiled around a bundle of six magnetic rods, each four feet long. Newman says, "Poor Ellen, it took us weeks to install all that copper wire. She had blisters on top of blisters."

The machine is hooked up to 150 six-volt and nine-volt batteries lined up in neat rows, which Newman turns on before giving the magnets a shove. Slowly they begin to rotate on their own, picking up speed with a rhythmic clanking. A row of light bulbs around the top begins to blink. An orange fan attached to the machine by a belt starts to turn. Soon the clanking turns into a din, as the furiously whirling magnets reach a speed of 260 revolutions per minute.

Before there was investor money, a crowded, dilapidated garage made do as Newman's research center. Newman is a full-time professional inventor who has designed and patented several inventions, including plastic-coated barbells, a gadget that sucks juice from oranges still hanging on the tree, and a rain deflector that keeps car windshields clear at drive-in movies. The profits from those inventions kept food on the table, but the energy machine is different. Newman calls it "foremost in my life, above all else. All my family know this comes first."

Newman seems younger than he is, more like 39 than 49 years old. Crowned with a straight, slicked-back pompadour, he resembles an incongruously healthy Jerry Lee Lewis. His sturdy frame tells of all those rounds with the punching bag, as well as Ellen's widely acclaimed ways with black-eyed peas and sweet potatoes. The tip of Newman's right index finger is gone, crushed in an accident that happened when he was a teenager roughnecking on an oil rig.

Newman is an engaging, straightforward man whose rough-hewn way of talking reflects his lack of formal education. Nonetheless, a growing flock of true believers claims Newman is a genius, a modern-day Faraday whose academic credentials are irrelevant. "Joe has gone beyond what you can read in textbooks," says Milton Everett, an engineer with the Mississippi State Department of Geology and one of the first to believe in Newman's work. "He's an original thinker and there's not many of those. I think Einstein's going to have to take a second seat to Joe Newman."

It took 15 years for Newman to develop his radical theory of electromagnetism and then turn it into a working prototype of the Revolutionary Energy Machine. He has been trying since the mid-sixties to get the scientific community to pay serious attention to his ideas, with less successful results. "I was very naive, and I went to many universities to debate," he says. "I'd go in good faith thinking that if I'm wrong, they'll show me I'm wrong—that's fine. I'll take that knowledge and utilize it. Then I started noticing that something's bad wrong here; these people are intimidated by my questioning."

But tenacity will win out, says Newman: "I'm like a bulldog. I'm going to win that fight. You've got to kill me or I'm going to win it. One of the two."

That kind of fierce determination is not new; Newman remembers constantly getting into scrapes with neighborhood bullies when he was young. "I'd fight automatically; not premeditated. I'd just see somebody getting picked on and it would offend me so much that I'd have to step in. And that's the same feeling I have when I fight the Patent Office: they can't whip me, but I

know they could step on people who don't have that type of feeling."

Newman also points out that this is not the first time the Patent Office has clashed with an inventor making a wild claim; back around the turn of the century, the PTO was battling with the Wright brothers, who kept insisting that heavier-than-air machines could fly. Only after three years and as many PTO rejections were Wilbur and Orville finally allowed to patent the "inoperative" contraption they were already flying at Kitty Hawk.

Hostilities between Joe Newman and the Patent Office commenced on March 22, 1979, the date he first filed for a patent on the technical explanation of his Revolutionary Energy Machine (a prototype had not yet been built). Assigned to evaluate Newman's 130-page application was the Patent Office's primary examiner, Donovan F. Duggan. This was not his first experience with alleged inventions of suspiciously prodigious energy efficiency. Several years earlier he nixed the patent application of Ralph E. Lindsey, who had his own version of the electromagnetic engine. Lindsey subsequently sued the Patent Office for negligence in a Texas federal district court, which in 1983 ruled in his favor.

In its decision, the court was particularly critical of Donovan Duggan: "Examiner Duggan's knowledge of electrical theory may have been inadequate for his responsibilities. In any event, the examiner carelessly and incorrectly perceived the Lindsey design to be a 'perpetual motion machine.' Once convinced of that, Examiner Duggan seemed unable to consider the design on its own merits. . . . The actions of the Patent Office—from the officious manner and careless processing of Examiner Duggan to the slothlike response of the Board of Appeals—are deplorable. A citizen deserves better treatment from his government."

It took two and a half years for Newman to receive a 44-word handwritten rejection from Duggan, who summed up his decision with these words: "More output than input attained smacks of 'perpetual motion.'"

Newman quickly responded, submitting a more detailed explanation of his invention, along with a sworn statement from Robert E. Melton, a former Saturn 5 project electrical engineer now with the CIBA-GEIGY Corporation in McIntosh, Alabama. In his affidavit Melton stated he had carefully evaluated Newman's device "to present arguments against it" and "found none." Said Melton: "As a result of discussion, research, and observation, I believe he has a valid disclosure."

Newman also offered Duggan an all-expense-paid trip to Lucedale to personally examine the machine. Ignoring this invitation, Duggan issued a second thumbsdown, this time speculating the "possibility" of a hidden outside power source—even though he added that "the applicant's character is not at issue here, only his disclosure." Newman disagrees: "It was quite obvious that he had deliberately attacked my honesty and integrity."

Newman asked for and got a personal interview with Duggan, referred by Duggan's supervisor. At that meeting, Newman says, Duggan "told me to my face he doubted he would ever allow a patent on my machine no matter what proof I submitted." Duggan has denied this in court documents; other than that, all he will say is, "Newman's made a lot of charges, but I'm forbidden to talk about it."

After exhausting every other administrative avenue of redress, Newman requested a

hearing before the PTO's Board of Appeals. He brought his two pieces of evidence to the hearing, which was held in the fall of 1982: the 800-pound prototype of his energy generator and Roger Hastings. But both Hastings and Newman feel that no serious effort was made at that hearing to determine the validity of the machine. "One of the examiners stood behind a pillar the whole time," says Hastings. "He was afraid that 100-pound magnet being rotated by Joe's machine was going to fly off and hit him."

"They sat over there like a bump on a log," Newman recalls angrily. "When we got through with the testing procedures, then they went over there and looked at the machine. Didn't touch it; no way could they verify anything. Their actions were totally unlike what you would expect of professional persons who were going to investigate something that was supposed to put more energy out than in." At the close of the hearing, says Newman, "They gave me two minutes—two minutes—to try to discuss about 17 years of work."

A few days after presenting his machine to the appeals board, Newman arranged to have it examined at the National Bureau of Standards. Hastings, who had gone home to Minnesota, flew back to Washington to attend the NBS testing, believing that there would finally be an expert, impartial, conclusive evaluation of Newman's machine. "I was expecting a bunch of people in white coats to come out, take the machine in, and give it a whole series of tests," says Hastings. "But they didn't have the equipment or the facilities to do anything."

Instead, NBS officials suggested that Newman stop on his way back home at Auburn University in Alabama and have his machine tested there. So Newman, another friend, and Hastings crammed into the cab of a pickup truck and lugged the 800-pound prototype on what amounted to a 20-hour joyride. "The worst part was they wouldn't let me smoke," recalls Hastings.

When they got to Alabama, Newman refused to allow his invention to be tested. Neither Auburn University nor the professor at Auburn could assure Joe of security or confidentiality," says John Flannery. "Nor was the Auburn professor associated with the NBS in any way—and that was the point of the whole exercise."

As it turned out, the hearing before the Patent Office's appeals board was equally pointless; the board sustained the rejection of Newman's request for patent protection, maintaining in its report that "such a machine is impossible." Among the attachments to its decision were some pages photocopied from a 1911 college physics textbook stating that "perpetual motion is a delusion." And two of the three examiners at the appeals hearing turned out to be the same ones who sat on the "slothlike" appeals board in the Lindsey case.

"The Patent Office set itself up to deviate from procedure," insists patent attorney Gomory. "It set itself up to say, 'This is impossible.' The Board of Appeal's decision in effect took the position, 'We will defeat this application no matter what.' It kept saying there was no evidence. Of course there was evidence—there was Roger Hastings' affidavit. They never mentioned the affidavit."

Flannery blames Newman's rejection on institutionalized incompetence at the PTO. "This office is overworked, it has no ability to search the documents, and who in their right mind who has scientific ability—whether it's a Donovan Duggan or anybody else—goes to examine patents at the U.S. Patent Office?" he says.

Gomory is kinder to the PTO: "I emphasize that, on the whole, to examine some 110,000 patent applications each year, and of those to issue some 80,000 patents, is quite a Herculean job," he says. But he calls the Patent Office's handling of the Newman case "not only wrong, but one could say outrageously wrong."

Joe Newman filed suit against the Patent Office in U.S. District Court in Washington on January 3, 1983; the case was assigned to Judge Thomas Jackson. During the pretrial period Patent Office lawyers submitted a report on the tests run on Newman's machine—at Newman's invitation—by two Mississippi State University electrical engineers. "But the Patent Office admitted in its own papers that MSU had characterized the tests as 'inconclusive,'" says Flannery. The PTO also asked a National Bureau of Standards engineer named Jacob Rabinow to review and criticize various test results submitted in support of Newman; his report was also offered as "contradictory" evidence.

Meanwhile, a Texas engineer named S. Mort Zimmerman who had met and talked with Newman, independently built a prototype of the Revolutionary Energy Machine that, Zimmerman said, did indeed run at greater than 100 percent efficiency. Soon after submitting to the court an affidavit to that effect, Zimmerman got a phone call from a NASA scientist, Larry Wharton, who quizzed him on his machine. Wharton never mentioned to Zimmerman that he was acting on behalf of the PTO. Later, when a statement by Wharton Debunking Zimmerman's testimony was introduced as evidence, Wharton recanted, saying he had made clear to PTO lawyers that there was a possibility that Zimmerman's prototype operated at 600 percent efficiency. Wharton says he was told that such information wasn't necessary.

"First Rabinow comes up with his description, and after that, almost to answer it, an independent inventor creates a Newman device and it works," says Flannery. "Then the Patent Office lawyers get desperate and come up with a guy from NASA who says it doesn't work—and then he recants his testimony. There's something going on here that just ain't right."

Faced with a muddle of conflicting evidence, Judge Jackson decided to appoint a special master to investigate Newman's claims. Over the objections of Newman's attorney, he gave that job to William E. Schuyler, Jr., a former head of the Patent Office and prominent Washington patent attorney who is an electrical engineer to boot. Jackson called Schuyler's credentials "superb."

The report of the special master was issued in late September 1984. While refusing to endorse Newman's theories, Schuyler found that the "evidence before the Patent and Trademark Office and this court is overwhelming that Newman has built and tested a prototype of his invention; there is no contradictory factual evidence." The report called "clearly erroneous" the Patent Office Board of Appeals' contention that Newman's machine is "impossible," and stated Newman "is entitled to a patent based upon his experiments and results provided he otherwise complies with the requirements of the Patent Statute; it is not necessary that he be able to state the scientific principles underlying his invention . . ."

Jere Sears, a PTO attorney, responded to the report by insisting that it be rejected.

Sears asked the court to "exercise some common sense and refrain from believing in those who apparently still believe in the tooth fairy." Newman's attorney, in turn, asked Jackson to order the PTO to grant Newman's machine a pioneering patent based on the master's findings.

The judge declined both suggestions. "I am not prepared at this point to conclude that there is no factual dispute and that it can be said as a matter of law that . . . Newman has produced a truly pioneering invention of the order of magnitude of the atomic and hydrogen bomb," Jackson said in a hearing held on Halloween 1984. "Nevertheless," he added, "I am also equally unprepared to say on this record, as the defendant would have me say, that Mr. Newman is a crackpot as a matter of law and that his invention cannot possibly, as a matter of physical principles, operate under any circumstances."

So Newman's patent application was bounced back to the Patent Office, with instructions from the court to expeditiously reexamine his case "in light" of the special master's recommendations. Incredibly, Newman was also ordered to cough up \$11,602.20 to pay for the report.

Such a financial imposition would have left Newman sorely strapped, but at that point, like the U.S. cavalry coming to the rescue of a beleaguered wagon train, bigtime investor money suddenly appeared. A Sacramento, California real estate broker and developer named Dan Benvenuti, whose family owns the Sacramento Kings (formerly the Kansas City Kings) professional basketball team, heard of Newman, went to see him, and became convinced of the importance of his work. In December 1984, Benvenuti became the principal investor in Energy Resources Unlimited, which gave Newman \$500,000.

Benvenuti says that his motives are altruistic. "I'm not in this thing for money," he says. "I'm in this thing to see what we can do to help the world." It irks Benvenuti that he, and not the government, is Newman's principal backer. "If senior citizens didn't have to pay \$400 a month for electricity, they wouldn't need as much from the government to live on. But why is our government behind every armament somebody can come up with? Sure we need protection, but we're spending hundreds of billions of dollars in war and destruction. Why not some money for a man who's got something good for the world?"

Benvenuti claims that major investment firms in Japan and Canada are already interested in the licensing and manufacturing rights for Newman's machine. "And here we are in the United States worried about the trade deficit."

So richer, but essentially back at square one, Newman got a new examiner—and soon after, in spite of the special master's report, another rejection of his application. This time however, the PTO finally decided that it wanted a first-hand look at Newman's machine and got a court order for him to surrender it to the NBS for testing.

Newman refused. He did, however, bring his machine to Washington last May and display it at a press conference at the Capital Centre—much to the consternation of Judge Jackson, who noted in a hearing that the Capital Centre is not all that far from the NBS facilities in Gaithersburg. Why did Newman haul his machine all the way up here again without the slightest intention of letting officials from the Patent Office or NBS get anywhere near it?

"The judge was saying he would draw the conclusions that he was entitled to draw if I didn't turn my device over to the Patent Office to give to the Bureau of Standards," says Newman. "What I did was carry it to Washington and give a public demonstration showing I had nothing to hide—that I put myself up to public ridicule. And that's not something somebody would do who has something to hide. So we exposed it, had other scientists there. This took away the judge's grounds that I had something to hide."

Patent Office lawyers have since asked the court to declare Newman's patent application abandoned. Jackson instead agreed to give Newman his "day in court," a nonjury trial scheduled for late February next year. But he also insisted, again, that Newman hand over his machine to the NBS. And the Patent Office told Newman he would have to post a \$50,000 bond to cover the cost of the testing.

"The special master's report comes down and bang!—the thing works, you guys are all wet, you've ignored your own procedures, that examiner is no good, a patent should be issued," says Flannery. "Then, all of a sudden, these guys scramble around. Now they want to test it. But they don't want to just test it. They want to seize it; they want to dismantle it; they want to destroy it; they want to hold off until after the trial starts, and then they're going to put their expert witnesses on the stand."

"That's not fair. It's not common sense. It violates the civil rules procedure. It's an unconstitutional seizure of property. And to add insult to injury, they want Joe Newman to foot the bill—\$50,000! For what? To quote Joe: 'Not no, but hell no!'"

This fall Joe Newman significantly refined the Revolutionary Energy Machine, turning what looked like a 9,000-pound, battery-powered hot tub that lit a few light bulbs into a 130-pound device that he believes will ultimately be capable of powering a home. Hastings is impressed by Newman's progress. "It appears to me," he says, "that the Newman motor can be readily scaled to power levels that will make it practical for commercial and home energy needs, and this should be accomplished in the very near future."

Just two months ago, Newman gave a public demonstration of the new, improved Revolutionary Energy Machine in New Orleans. The event drew 1,500 people, many of whom stood in line hoping to get a glimpse of it. Testimonials to Newman's work were given by a panel of scientists and engineers; even actor Eddie Albert showed up to declare his support for the cause.

In three separate demonstrations in a darkened Hilton ballroom, Newman did not disappoint the crowds; he used his energy generator to light several 40-watt fluorescent bulbs and a green neon sign that glowed "Gyro Power." "This is my Christmas gift to you," he told the cheering audience. One writer who witnessed the event described it as "surreal, like something out of a grade-B Hollywood movie starring Vincent Price or Bela Lugosi."

Newman also recently published a vanity book, *The Energy Machine* of Joseph Newman, which details his theories and explains the mechanics of his machine. And he has filed for patents on the controversial device in countries all over the world, including the Soviet Union. Already, he says, it is patented in Spain and South Africa.

"So in a way, it doesn't matter what the court or the Patent Office decide," says

Newman. "Whether I'm dead or alive doesn't make any difference: this invention is going forward, and no power on this earth is going to stop it."

THE URGENT NEED TO ATTACK "CRACK"

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1986

Mr. RANGEL. Mr. Speaker, as chairman of the Select Committee on Narcotics Abuse and Control, I wish to bring to the attention of our colleagues an article by Peter Kerr that appeared in the March 20, 1986, New York Times, entitled "Extra-Potent Cocaine: Use Rising Sharply Among Teen Aged."

This dramatic piece confirms what many of us in the Congress who have the responsibility for reviewing Federal drug abuse policy have known for some time; that the availability of "crack"—cocaine in its purest state—at low street prices will only expand the abuse of cocaine nationwide.

Increasingly, Mr. Speaker, Members are inquiring of the select committee: What is crack? How is it different from cocaine? Where is it all coming from? Mr. Kerr answers these questions very succinctly.

Crack is purified cocaine in pellet form that sells in vials for as little as \$5. Users smoke it, creating a powerful stimulating effect on the nervous system. Unlike regular cocaine, crack takes effect in seconds and induces a greater high, experts say. Compared with users of regular cocaine, crack users experience a stronger yearning for the drug and become addicted more quickly.

What is most frightening about crack is that it has made cocaine widely available and affordable for abuse among our youth. The Times reports the easy access to crack at New York schools. The select committee has heard similar reports from other areas around the country.

Mr. Speaker, I am afraid that the crack epidemic will only get worse, before it gets better. A review of the international narcotics control strategy report, issued by the State Department on February 21, 1986, yields the inescapable conclusion that we can expect bumper crops of coca in the major cocaine-producing nations of South America this year. The select committee estimates that at least 150 tons of cocaine will enter the United States in 1986.

As the select committee has urged the administration for quite some time, we need to seriously rethink our present narcotics control strategy. Our existing efforts are clearly falling short, and, as a result, our children are being severely injured. We must begin to make effective use of existing sanctions against drug producing nations which fail to cooperate with us on narcotics control, and at the same time, provide adequate funding to State and local drug enforcement, treatment, prevention and education programs, as I have proposed in H.R. 526, the State and Local Narcotics Control Assistance Act.

Passage of H.R. 526 can insure a comprehensive community response to the problem of "crack." Our failure to do so could lead to the loss of a whole generation to "crack."

Mr. Speaker, at this point I insert Mr. Kerr's article in the RECORD:

EXTRA-POTENT COCAINE: USE RISING SHARPLY AMONG TEEN-AGERS

(By Peter Kerr)

In dramatically rising numbers in the last five months, teen-agers in New York City and its suburbs have been using "crack," an especially potent and addicting form of cocaine, according to state and local drug officials, educators and experts on drug abuse.

From the wealthiest suburbs of Westchester County to the Bedford Stuyvesant section of Brooklyn, drug experts and community groups say the growth of crack use has been so great that it is fast outpacing the ability of educational efforts and rehabilitation programs to cope with the problem.

"It's all over the place," said John French, the chief of research and evaluation for the New Jersey Health Department's alcohol, narcotics and drug abuse unit. "There are simply not enough treatment programs to handle the demand."

In recent weeks, reports of growing use of crack among youth has also brought statements of concern from officials of the New York City Board of Education, the New York State Division of Substance Abuse Services and the county drug-control agencies in Nassau and Westchester. The agencies say they are looking for new ways to educate young people about the dangers of crack addiction.

Cocaine treatment programs around the area are reporting a rise in serious addiction, together with a wide range of physical and psychological problems and criminal behavior, in youths between 13 and 19 years old.

As recently as last fall, government officials who monitor drug abuse warned of the growing popularity of crack among cocaine users generally. But the speed with which crack use spread to teen-agers, including youths who had little or no previous involvement with drugs, has alarmed experts.

"It's growing much more rapidly than we had thought," said William Hopkins, the director of the street-research unit of the State Division of Substance Abuse Services.

"We are seeing kids who are college-bound, with 85 averages or better," said Dr. Arnold M. Washton, the director of addiction research and treatment at Regent Hospital on East 61st Street in Manhattan and Stony Lodge Hospital in Ossining, N.Y.

Crack is purified cocaine in pellet form that sells in vials for as little as \$5. Users smoke it, creating a powerful stimulating effect on the nervous system. Unlike regular cocaine, crack takes effect in seconds and induces a greater high, experts say. Compared with users of regular cocaine, Dr. Washton said, crack users experience a stronger yearning for the drug and become addicted more quickly.

A 15-year-old boy, now in treatment at the Stony Lodge Hospital, recalled how he first tried crack last November and found it far more addicting than powdered cocaine.

"My friends said, 'What do you want to do on your birthday?' I said, 'Let's do crack,'" said the youth, a resident of a middle-class neighborhood in the Bronx. "You get a head rush and your ears pop and you get a real up. But when you run out of crack, you

get this feeling of want that just takes over your body."

Within a week, the youth said, he was smoking \$50 worth of crack a day. Soon, he said, he stole money from his parents to support his habit. He began staying out of school, he said, and, together with friends, began breaking into houses to take jewelry, cash and video cassette recorders. Recently, he said, he was arrested on robbery charges and entered the treatment program.

"You are willing to do anything to get it," he recalled. "We just had to get more."

MOVING TO THE SUBURBS

Experts say few statistics are available on the use of crack. But drug hot lines in the area have recorded a steady rise since November in the proportion of callers who say they use crack.

Another recent change is the proliferation of crack in the suburbs.

"It was pretty much a city problem until four to six months ago," said Harold E. Adams, the Commissioner of the Nassau County Division of Drug and Alcohol Addiction. "Now it is a Long Island problem. It is steadily increasing and we are very, very concerned."

Between 65 and 70 crack users a month are now being treated at the Nassau County Medical Center, he said.

"In the morning these days the phone doesn't stop ringing," said James P. O'Hanion, director of alcohol and substance abuse programs for Westchester County. Mr. O'Hanion said he feared there would not be enough programs to treat the wave of people addicted to crack.

WOEFULLY SHORT OF RESOURCES

"We have a large methadone treatment network that responds to opiate problems," he said. But for cocaine, which is not an opiate, he said, "We are woefully short of resources and we are short throughout the state."

The proliferation of crack has presented a burgeoning problem for the New York City school system as well, according to Levander Lilly, an assistant to the school chancellor.

"A lot of kids are playing hooky and staying out in the crack houses," Mr. Lilly said, referring to apartments where crack is sold and smoked. Girls are turning to prostitution and boys are resorting to robberies and burglaries to get the money to buy crack, he said.

In Community District 16 in Bedford Stuyvesant, crack is being sold openly from dozens of storefronts and apartments, many less than a block from elementary and junior high schools, according to Walter Johnson, the treasurer of the district school board.

He said sellers of the drug stand on street corners and offer business cards advertising \$5 and \$10 vials. The cards read "Jumbo Crack, nickels and dimes."

NEW HORIZONS FOR AMERICA'S YOUTH

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1986

Mr. DUNCAN. Mr. Speaker, I wish to highlight the winner of the Voice of Democracy scriptwriting contest from the Second District of Tennessee, Deborah Marie Shahid. The contest was conducted by the Veterans of

Foreign Wars of the United States and its Ladies' Auxiliary.

NEW HORIZONS FOR AMERICA'S YOUTH

It all started one night in March of 1983. I was comfortably seated in front of the television set, contentedly feeding myself oreo cookies, when suddenly my father walked into the room. "Family", he says, "we're moving overseas!" I couldn't believe it. We were actually leaving the continent of North America, leaving behind the United States—leaving McDonald's, MTV, and the Boston Celtics. I cried, I screamed, I even ran away, but to not avail. Two months later we were on the plane heading for our new destination.

In time, I came to accept my new home, but I'm ashamed to say, it wasn't for awhile later that I realized I had missed the United States for all the wrong reasons. Oh, sure in the beginning I longed for a Burger King or even K-Mart, but as I grew older, I found there was also the American Flag, freedom of speech, and a democracy. Also, what became most important to me as an inspired American youth, was the wide spectrum of opportunities available to me only in America.

New windows and new scopes can be found in all endeavors of American life. Since we're aided not only by the awesome advances in technology, but also by the democracy of our government, we youth of today are faced with ever-expanding challenges—and unbridled horizons. Horizons available only in America.

For instance, there is the opportunity of education. In the United States today there are thousands of colleges, all willing to cater to aspiring young students. The colleges even offer help for those in financial trouble, through scholarships and literary contests.

There are work study programs, and community involvement programs, all designed to support the rising young scholar. Athletic programs promoted by schools project the "sound mind and body". Contests sponsored by Universities and Corporations encourage healthy competitiveness between young people, a necessary ingredient for the growth of our nation.

And there are still more opportunities for us youth in other varied professions. In the world of science, there is no end to the swirl of questions surrounding our world. A young mind is always welcome. In the world of physiology, the studies made on the brain everyday increase the questions, therefore the horizons. In the world of computers the introduction of technology has made this field perhaps one of the greatest potentials for youth.

Another of the many admirable attributes of the United States is the heavy emphasis placed on human individuality. Only in America can we be what we want to be, say what we feel and do as we say—no restrictions, no limitations. As built into the American tradition, the horizons offered in the United States are available to all of us regardless of race, creed, or color. There are young people in such professions as law, medicine, sports, and even politics.

But there are still many horizons that are yet untouched. That most mysterious frontier ever—space—has still to be fully explored. Perhaps, it is time for my generation to begin our own explorations. I have a suggestion.

To increase the ever-expanding numbers of opportunities available only in America, I hope the United States will add one more to

its list. That is, allow the next civilian in space to be an American youth! In this way, could the United States show how far the American youth are able to go, how much they can achieve. The sky is no limit. I know I'd gladly volunteer myself! It would be a small step for me, but a giant significant step for the young people of America. It seems like a million years since I first boarded the plane that took me overseas. But I can say of my beloved nation, what Robert Emmet once said of his Irish Homeland, "My country is my idol".

I have come to realize that everything I do or have stems from my American roots—my ideas, my rights, my golden opportunities, my choice of horizons. Everything I live for comes only from America. I will give something back.

HONORING DOUG DeYOUNG

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1986

Mr. LANTOS. Mr. Speaker, the beautiful San Francisco Peninsula is a magnet that has drawn interesting and talented people from around our Nation and around the world. Ten years ago, one of those talented individuals who came to San Mateo County and who has contributed to the caliber and diversity of our area is Douglas DeYoung.

A native of Manhattan, KS, Doug has always been on the cutting edge of life. He began his professional career with the Owens-Illinois and was a pioneer in their computer program. Politics and public service, however, have always been among Doug's first loves. He took an early retirement from Owens-Illinois to start his own business as a computer consultant for political parties, communities, and numerous candidates in the bay area. In the process he has become an acknowledged expert and innovator in computerized politics.

Doug's involvement with public life has not been simply a professional consultant, however. He is a caring and committed individual who has worked to improve the quality of life in his community and in our Nation. In Belmont, where Doug has lived for 10 years, he has been a leader of the Central Homeowners' Association, a member of the Belmont Finance Committee, and a member of the Steering Committee of Citizens for Orderly Growth.

Doug is also a man of deeply held personal convictions. He was a founder of the Metropolitan Community Church in San Francisco and later a founder of the Metropolitan Church in Redwood City. Like his father, he is also a Mason. On the State level, Doug was the founder and president of the Society for Individual Rights, and he has been actively involved in operation concern, Concerned Voters of California, the Alice B. Toklas Memorial Democratic Club, and the Human Rights Fund.

But Doug is also human. He is an avid motorcyclist. He has ridden in competitions with a number of clubs, particularly the Recon Motorcycle Club. Often his arrival for a serious political meeting is heralded by the roar of his motorcycle.

Mr. Speaker, Douglas DeYoung is an individual who cares enough about our world to take the time and effort to make a difference for all of us. I salute him for his commitment and dedication.

THE THIRD PILLAR OF SOUND MONEY

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1986

Mr. DANNEMEYER. Mr. Speaker, the American Economic Foundation was established in 1939 for the purpose of explaining economic theory to the general public in simplified, understandable language. Soon after, it brought out a booklet entitled "How We Live—The Ten Pillars of Economic Wisdom," which became a bestseller, as it was sold and distributed at home and abroad in millions of copies. It is still in print.

The present chairman of the foundation, Mr. Homer W. Giles, commissioned Prof. Antal E. Fekete of the Memorial University of Newfoundland to write a new series with the title "The Ten Pillars of Sound Money and Credit." The first four parts of this series have already been inserted in the CONGRESSIONAL RECORD (Vol. 131, No. 156, p. E 5158; No. 159, p. E 5254; No. 160, p. E 5283; Vol. 132, No. 35, p. E 889.)

The next part of this series follows.

THE THIRD PILLAR OF SOUND MONEY AND CREDIT: THE PRINCIPLE OF REDEEMABILITY

(By Antal E. Fekete)

A CHINESE TALE

Once upon a time a revolution of lasting import took place in China: the invention of paper and the simultaneous invention of paper money. Silk products had long been used as the material on which documents and contracts could be written. The revolutionary character of paper to be seen in the fact that it was a thousand times cheaper than silk, and it could still carry the same message just as efficiently.

The most potent message that paper was capable of carrying was the promise of the Imperial Treasury to pay the bearer a stated sum of silver coins on demand. The Treasurer, Ding, discovered that he could pay the suppliers of goods and services to the Celestial Court with such paper promises. People trusted the Treasury and accepted its promise to pay as equivalent to payment in silver coin. Paper money was thus born virtually the same day on which paper itself was invented.

Soon afterwards the Treasury ran out of free silver, as it found that all the silver coins in its coffers had been mortgaged in the form of outstanding promises. Ding refused to issue more paper money, except in exchange for silver coins paid into the Treasury. In his view, any other course of action would compromise not only the integrity of the promises of the Treasury, but also that of all the contracts in the Celestial Empire, affecting a value far greater than the value of paper money in circulation. Contracts made by third parties in good faith would be rendered impossible of fulfillment and the standard, or measuring rod, of honest dealing among the populace would be destroyed. A decline in prosperity would

follow in due course, as the cornerstone of economic well-being is the integrity of promises men live by.

But the Deputy Treasurer, Dong, was an ambitious man and he saw that Ding had painted himself into a corner. Dong threw himself at the feet of the Emperor, pleading thus: "Sire! Let me issue further promises to pay silver coins against the cutlery, candle-larba, and other silveware of the Celestial Court! The Emperor promptly fired Ding, and rewarded Dong for his resourcefulness by making him Treasurer.

Dong could not enjoy his newly found glory and power long. Other ambitious men in the Court took careful note of what happened at the Treasury. They got the ear of the Emperor in suggesting that even more paper money could be issued against silver that had not yet been brought out of the imperial mines, as well as against the silver in the Moon. Since the Moon was considered a province of the Celestial Empire, and it was thought to consist of silver 95% pure, a belief confirmed by a recent scientific study released by the Heavenly Research Council, there was a plausible case for expanding the issue of paper money. The Emperor fired Dong, and thereafter a change of the guard at the Treasury became a frequent ritual, each time a more unscrupulous adventurer succeeding a less unscrupulous one. The promises of the Treasury to pay silver coins on demand have lost all their remaining value.

In the aftermath of the depreciation of paper money, a Great Cultural Revolution engulfed the Celestial Empire. People took to the streets, purged the Heavenly Research Council, and hanged all the past Treasurers on makeshift gallows erected along the Square Heavenly Peace, stuffing their mouths with the paper promises that they had signed.

NOT WORTH A CONTINENTAL

The United States, in its infancy, attempted the same process by the issuance of Continental currency. Their currency collapsed in the same way as its ancestor in China. One of the greatest orators of all times, Daniel Webster, denounced irredeemable paper money on the floor of the Congress in 1832 in these words: "Of all the contrivances for cheating the laboring classes of mankind, none have been more effectual than that which deludes them with paper money. Ordinary tyranny, oppression, excessive taxation . . . these bear lightly on the happiness of the mass of the community compared with fraudulent currencies and the robberies committed by depreciated paper." Today we reject the dictum of Daniel Webster, and indulge in the same national sin which promises to exact, some day, severe penalties for our belief that we can challenge with impunity such fundamental truths as those involved in the maintenance of standards of common honesty in the fulfillment of our promises.

THE BALLOT BOX IS NOT ENOUGH

The principle of redeemability of the currency asserts that, if a citizen believes that there is too much money in circulation, he must have the right to do something about it. He should be allowed to hoard, melt, or export the gold coins in his possession, thereby redeeming the commodity value of the monetary standard. It also asserts that the citizen should be allowed to withdraw the gold reserves which form the basis of the monetary system, to the extent of his holdings of paper money or bank deposits. When a currency is redeemable in standard

gold coins, any individual disturbed by the behavior of the government or banks can attempt to protect himself by presenting for redemption such paper currency as he may command. It is this power of individuals that holds, or tends to hold, banks and government in check. Without this power the people, as individuals, are helpless insofar as control over their banks and government is concerned. The power of the ballot box provides no protection, after the government has freed itself from the obligation to redeem its promissory notes, and acquired power to expand the volume of paper money without fear of adverse public reaction. The people have lost control of the public purse. The way to government dictatorship has been opened up. Human freedom has been endangered. The variety of ways in which freedom could be impaired or destroyed is practically countless as the government takes more and more power from the people and to itself. Limited government is not possible unless the principle of redeemability of the currency is respected.

A NURSERY OF TYRANNY, CORRUPTION AND DELUSION

In his classic monograph "Fiat Money Inflation in France," the distinguished scholar Andrew D. White, joint founder and first president of Cornell University, quoted Mirabeau of France as saying in 1789 that irredeemable currency is "a nursery of tyranny, corruption and delusion; a veritable debauch of authority in delirium." His contemporaries ignored the admonition, issued the assignats and the mandates—and history has attested the accuracy of Mirabeau's prophecy.

The manner in which the corruption involved in the use of irredeemable currency has permeated the political, economic and social fabric of the nation has received little attention and apparently is poorly understood. The act of inflicting an irredeemable currency on a people is an act of dishonesty by the government, and the influence of that dishonesty spreads through an endless number of channels and in an endless number of forms to the mass of people who are then corrupted in countless ways. To use White's words: such corruption grows "as naturally as fungus on a muck heap. It was first felt in business operations, but soon began to be seen in the legislative body and in journalism." As to the corruption among legislators, he stated that "there was enough to cause widespread distrust, cynicism and want of faith in any patriotism or any virtue. Worse still was the breakdown of morals of the country at large, resulting from the sudden building up of ostentatious wealth and from the gambling, speculative spirit, spreading from large towns to small, and to rural districts. The disgraceful result was the decay of national good faith." White stated that "there came cheater in the nation at large and corruption among officials and persons holding public trusts. . . . Faith in moral considerations, or even in good impulses, yielded to general distrust. National honor was thought a fiction cherished by hypocrites. Patriotism was eaten out by cynicism."

"It ended in the complete financial, moral and political prostration of France—a prostration from which only a Napoleon could raise it."

White concluded, in his "Fiat Money Inflation in France," that "every other attempt of the same kind in human history, under whatever circumstances, has reached similar results in kind if not in degree."

No doubt the authors of the assignat and mandat thought that they were acting on firmer scientific basis than the Treasurers of the Celestial Empire. Yet, from the perspective of the 20th century observer, the only breakthrough was the replacement of the gallows by the more efficient guillotine.

THE TRUE STORY OF SOVIET JEW YULI EDELSTEIN

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1986

Mr. LEHMAN of Florida. Mr. Speaker, I was recently visited by members of the Student Coalition for Soviet Jewry from the 17th Congressional District of Florida. Roni Leff, Alan Friedman, Michael Farbrowitz, Wayne Firestone, Louis Eisen, and Sharon Weiss of North Miami Beach are part of an important lobbying effort founded in response and protest to the arrest of Anatoly Shcharansky on March 15, 1977. Since that time, students in colleges across the United States have come to Washington to meet with their representatives and other officials to focus attention on the plight of refuseniks.

Even though Anatoly Shcharansky has been freed from the Soviet Union, many more long-time refuseniks such as Vladimir Slepak continue to languish in internal exile, labor camps, and prisons. Another prisoner of conscience that the Soviets have punished is Yuli Edelstein, a Soviet Jew whose insistence on religious observance landed him in prison on trumped-up charges. Wayne Firestone, one of the members of the group visiting me recently, has written and produced an extraordinary production about Yuli Edelstein. The Play, "Trial and Error," performed in Miami on February 11, is in its second year of production after its premiere in Tel Aviv last year.

I would like to share with my colleagues a Miami News article about student and playwright Wayne Firestone that appeared in the Lifestyle section on February 10, 1986.

The article follows:

TRIAL INSPIRES STUDENT PLAYWRIGHT

(By Jeff Benkoe)

It was the oppression, the particular nastiness of it, that struck Wayne Firestone, a senior at the University of Miami. All that Yuli Edelstein, a Soviet Jew, had wanted was to live his religious convictions: To wear a yarmulke, to be able to teach other Jews, to have his wife, Tatiana, light candles on the Sabbath. The government would have none of it. They were especially interested in Edelstein because he had taught in an underground Hebrew school.

According to American activists and officials familiar with the case, Soviet authorities planted opium and marijuana in his apartment, arrested him, tried him in December 1984, then sentenced him to three years in prison. There was nothing extraordinary about Yuli Edelstein, says Firestone, a 21-year-old Miamian, who has an intense manner and dark eyes.

Other Soviet refuseniks have received similar treatment. "We're not looking at the treatment of two and a half million Jews in the Soviet Union, or the fact that 300,000 refuseniks have applied to emigrate to Israel," says Firestone. "I was curious about

how it affects one person. It could be anyone. It's so arbitrary. If anything, his story is the story of many people."

Firestone has written a short one-act play based on a transcript of Edelstein's trial. In the play, Firestone focuses on the railroad-ing of the defendant, and the shoddy work of the judge, prosecutor and detective.

One performance will be given at the Beaumont Cinema on the UM campus tomorrow, 7:30 p.m., \$10 admission. A second performance is scheduled for Feb. 23 at Temple Sinai, 18801 NE 22nd Ave., and another will be presented Feb. 25 at the Jewish Community Center in Ft. Lauderdale.

Firestone, the recipient of a Harry S. Truman Scholarship, a prestigious \$20,000 grant for university students, is producing his own work. Most of the \$4,000 for the two Dade performances was raised through local law firms.

Firestone was studying at Tel Aviv University in Israel last year, interning at the Soviet Jewry Information and Education Center in Jerusalem. The center had received a copy of a transcript of the four-hour trial, mailed from the United States. An American tourist, whose identity remains known only to a handful of people, had sat in the courtroom and secretly scribbled the trial proceedings in shorthand.

Edelstein's appeal was only weeks away, so Firestone locked himself away for 24 hours, and distilled the 20-page transcript in a one-act documentary play. It was staged last year in Tel Aviv, Boston and Washington.

Firestone has been an activist on behalf of Soviet Jews since high school and has spoken before groups. "There are only so many lectures that people are willing to listen to," he explained. "You can only bang on the table so long and say there's a crisis. People get tired of it. I guess what gripped me was finding a new medium of expression. Theater worked."

Firestone may have been shown some positive proof of that. About 2½ months ago, after a performance in Boston, the mother of a cast member visited the Soviet Union and met with Tatiana Edelstein and told her of the play. Shortly after that, she visited him in prison for the first time. The beatings stopped. "Things have calmed down," said Firestone. "He's been allowed to get mail in jail. (The production of the play) might have helped a little bit."

At the end of performances, Firestone and the cast hand out aerogrammes, urging the audience to write their support to Edelstein.

Firestone retells a terrifying story—told by someone who had just gotten out of Russia, a refusenik—as evidence that those letters can mean the difference between life and death:

"A Soviet Jew was in prison. Every day a Soviet guard taunted him by showing him letters. He would never let him read them. The guard said to him: 'When these stop coming, you're dead.' The moral of the story is the story."

FIGHTING AGRICULTURE'S
PLIGHT

HON. VIRGINIA SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1986

Mrs. SMITH of Nebraska. Mr. Speaker, we have by now become accustomed to little besides tales of woe regarding the persistently desperate plight of agriculture. Yet, hope springs eternally.

Recently, an article with this theme appeared in the North Platte Telegraph on January 2, 1986, by Marianne Beel.

This is such a significant column that I urge my colleagues to read this timely and informative article.

The article follows:

GOOD RIDDANCE, '85: STRENGTH WILL BRING A
BRIGHTER END TO '86
(By Marianne Beel)

Time and again we've heard the phrase, "When the going gets tough, the tough get going," and we have seen examples of that in agriculture.

Very few extremely stressful situations in our area during 1985 made the news, but that doesn't mean they didn't exist.

We know of too many younger operators who experienced the misfortune of seeing their bank close. The lack of a new credit put them out of business.

We know of cattlemen who were forced to sell their herd because a drought cut their feed supply into half. When the brutal, early winter depleted that hay supply by December, some could not get financed in time to buy feed for their animals.

We've seen bred cows sell at auction for \$375 that were purchased for \$650 only two short years ago. It simply is not fair.

Animals cannot be put back on the shelf to wait for an adequate feed supply or a better market. When the owner reaches a point of no return, he is forced to sell. Then he feels guilty and takes it as a personal inadequacy that he couldn't continue to provide for his animals.

We know of a few instances when such men suffered indignities at the hands of callous officials who were in command. Thank goodness those instances were rather rare.

The reason we've mentioned the above is to explain the basis of a deep pride we feel for the people in our area who have come under dreadful stress. They've confronted their problem with quiet dignity, not violence or destructive protest. Some have drawn upon a strength they didn't know they had to maintain that dignity.

That doesn't say that they weren't torn apart inside from the frustration of helplessness. That doesn't say that unshed tears didn't choke away any attempt at speech. That doesn't mean that despair wasn't voiced within the privacy of their homes.

This does not present the situation of all who are in agriculture. This is just to say that so far, there has been a tremendous strength shown by a lot of people during stressful situations. We are extremely proud of those people.

Our few New Year's resolutions are very simple, but we'd like to share: Make a concerted effort to find the positive side of every situation; greet all whom we meet with a smile and a hello; deal logically with the real problems, and try not to manufacture imaginary ones; walk barefoot through

EXTENSIONS OF REMARKS

the green grass of spring and pick more daisies; let the soothing music of singing streams calm our nerves; and amid confusion to seek calmness in the everlasting hills.

Most of all we intend to voice the pride we feel . . . pride in the strength of our people who chose agriculture as their lifetime business. It is that strength that will persevere and bring a brighter ending to 1986.

A TRIBUTE TO JUDGE PERRY B.
JACKSON

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1986

Mr. FEIGHAN. Mr. Speaker, it is with a great deal of sadness that I inform my colleagues in the House of the death last night of Judge Perry B. Jackson, a man whose quality of character and devotion to service have enriched the lives of all he knew and will long be remembered in the Greater Cleveland area.

Judge Jackson, for over four decades, epitomized the highest standards of commitment to judicial excellence and community involvement. From 1928, when he was first elected to the Ohio State Legislature, to his death last night at the age of 90, Judge Jackson embodied a sense of responsibility and service to his community, State, and country that will be difficult to surpass.

In 1942, he became the first black ever to be appointed to the Cleveland Municipal Court. He was elected three times to the municipal court, and later became the first black to serve on the court of common pleas. Judge Jackson retired from the bench in 1973, but even in retirement he continued to work long hours and sustained his devotion to the court. Until January of this year, he continued to serve on the court as a visiting judge and as an arbiter.

Yet, surpassing his accomplishments as a jurist, Judge Jackson will long be remembered for his intense involvement in community affairs and service organizations. The range of his involvements can only be described as stunning—encompassing organizations from the Boy Scouts to the Republican Party. From 1936 onward, he was an active member of the Elks. For 14 years, he served as exalted ruler and president of the Ohio State Association. He was elected general treasurer of the Grand Lodge of the Elks until 1983, when he was named grand trustee emeritus.

During the 1930's, Judge Jackson helped the legendary Father Flannagan in the development of Boy's Town. He was active in the Masons and in the A.M.E. Church. He served on the board of the Red Cross, and was active in the Urban League, the NAACP, Big Brothers, Goodwill Industries, and a host of other community and national organizations.

Judge Jackson's wife of 50 years, Fern Josephine Jackson, died in 1983. Her strength and support were as known and respected as her husband's. Together, the Jacksons made a remarkable contribution to countless men and women of every race, creed, and class. Surviving the judge are three of his sisters, Thelma Estell, Doris Grant, and Mildred Nelson.

Mr. Speaker, I know that all the House will join me in extending our condolences to them in this time of loss. Their brother's life and accomplishments stand as a guiding beacon of light for countless of others who looked to him for leadership and guidance. His achievements and his standards have enriched our lives, and his passing is a time of sadness and regret for the Greater Cleveland area, the State of Ohio, and the Nation.

TRIBUTE TO CHARLIE
BURKHARDT

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1986

Mr. CONTE. Mr. Speaker, I rise today to pay tribute to Charlie Burkhardt, the president of the New England Fuel Institute, who is retiring next month after 25 years of service to New England and to America.

Mr. Speaker, NEFI is considered by many to be one of the most effective of all oil trade associations and one of the most effective groups in any industry in representing the interests of its members. Composed of heating oil dealers from all over New England, NEFI really represents the interests of the millions of oil consumers in homes and businesses across the region. Yet these ultimate consumers are often unaware of the need for Federal involvement or restraint. Without NEFI's vigorous and astute political action, many bad decisions affecting oil consumers might be made and millions of America's consumers would suffer.

As president of NEFI, Charlie has overseen tremendous challenges and changes to the oil industry over the past 25 years. From the gasoline and oil shortages in the 1970's to renewed calls for oil import fees, Charlie has represented NEFI ably and well. I will personally miss him, and I think I speak for the entire New England delegation to Congress when I say that our offices will all miss him as a source of information and as an able defender of his industry's interests.

Charlie became associated with the fuel industry back in 1963 as a dispatcher with an oil company in New York and has been involved in the oil industry for 40 years. Throughout that time, Charlie has taught at the college and vocational level in courses on the petroleum industry, including issues such as mechanical technology and engineering, petroleum marketing and distribution. A prolific author in this field, Charlie has had six books published, several of which are standard texts in school courses. He is also known in the United States and abroad as a lecturer, and has had over 300 articles published.

In 1962, he became the executive vice president of NEFI, which has grown to over 1,000 heating oil distribution companies. Because of his work in the industry, he worked closely with the Government in the 1970's to study energy problems. He was a member of the U.S. Department of Energy's Fuel Oil Marketing Advisory Committee. He was a delegate to the 1980 White House Conference on Small Business and was also the chairman of

the Small Business Administration's fuel oil dealer economic viability task force. That task force developed longrange plans for the SBA that would assist cash flow needs of small oil dealers. He has been commended for his efforts by both Presidents Carter and Reagan.

On a civil level, Charlie is actively involved on the Board of Directors of the Massachusetts Multiple Sclerosis Society. He has also received numerous public service awards, including the Distinguished Service Award from the New England Fuel Institute. Last year, I was honored to receive this award myself. Charlie and other members of the NEFI family were with me the night I received it.

Over the years, Charlie has been of invaluable assistance to me. When I first came to Congress and was assigned to the Small Business Committee, one of my major legislative initiatives was energy. There were many times that Charlie's efforts, hard work, phone calls and visits helped me sort out these complex legislative issues. For example, in the 1960's and 1970's, I fought against the mandatory oil import program. Because of Charlie's and my efforts—and those of my colleagues from New England—we were successful in gaining an exemption from the quota system for fuel oil in the Northeast.

Another issue on which I have always looked for Charlie's help and advice is oil import fees—a misguided proposal that has surfaced time and again since I came to Congress in 1985. I have taken the lead in the House of Representatives in opposing this proposal, and will continue to do so. In fact, my maiden speech on the floor of the House was in opposition to oil import fees. Since then, as the issue has surfaced time and again, Charlie has assisted me in providing data on the deleterious impact of oil import fees. I've valued his advice and counsel.

Charlie was also of great help last year in working to achieve passage of legislation I introduced to designate 1985 as "Oil Heat Centennial Year." Last year marked the 100th anniversary of the oil heat industry, and I thought it was important to recognize the contributions that the industry has made to American society. With Charlie's help, we got that resolution passed and signed into law.

Mr. Speaker, Charlie will be missed as he leaves his long and distinguished career. I'm sure that I will still want to seek his advice and counsel in the months and years ahead. I salute him as a great friend, a great administrator, and a great American.

DRUG TESTS FOR ALL?

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1986

Mrs. SCHROEDER. Mr. Speaker, the proposal by the President's Commission on Organized Crime that all Federal agencies test their employees for drug use is ridiculed and discredited at every turn. The Washington Post agrees with the Wall Street Journal, the Washington Times, the New York Times, and the Philadelphia Inquirer in calling for this crazy proposal to be junked.

The full text of the Post editorial follows:

[From the Washington Post, Mar. 14, 1986]

DRUG TESTS FOR ALL?

We have been waiting to see the clarification of the crazy proposal set forth by The President's Commission on Organized Crime concerning illegal drug use. But the back and forth conversation, the hedging and reconfirming and so forth that have gone on have pretty much left the proposal in question in place. The commission urged that all federal employees and all employees of federal contractors should be tested for drug use. It also urged private employers and state and local governments to adopt similar policies. Can the commission be serious? Does it really want to go this far?

Drug testing—with prior notification—in certain categories of high-risk jobs is acceptable. And even in cases where the public safety and national security are not immediately at risk, employers have a right to expect employees to perform their work with diligence and efficiency. So there should be no serious objection to an employer's focusing on a worker whose job performance or behavior indicates that he may be a drug user, just as an employer would question someone who is chronically late or drunk by 3 in the afternoon. Many private companies require suspected drug users to submit to tests and offer counseling and rehabilitation services to those who want to reform. Good programs also take into account the possibility of lab error and offer retests when initial results are challenged.

But all this is a far cry from blanket mandatory tests of millions or even tens of millions of workers. The crime commission's wide net would encompass the 67-year-old postmistress in a rural town, the secretary of state and the tailor who has just won a superior service award for sewing patches on army uniforms. Does this make sense? No less important, will the millions of workers affected stand still for it?

Drug use is a serious problem in the work place. Employers, including the government, are under no obligation to hire or keep users on the payroll. But the widespread mandatory testing recommended by the commission violates dignity, legal rights and common sense. It is a terrible, intrusive idea and should be junked.

H.R. 4455, THE EMERGENCY LIVESTOCK FEED ASSISTANCE ACT OF 1986

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1986

Mr. DASCHLE. Mr. Speaker, I have joined with my colleagues RICHARD STALLINGS of Idaho, BYRON DORGAN of North Dakota, and PAT WILLIAMS of Montana to introduce H.R. 4455, the Emergency Livestock Feed Assistance Act of 1986.

It is a testimonial to the operation of the current disaster assistance programs that introduction of legislation is even necessary. Each of my colleagues represents regions of the country where natural disasters have affected family farming and ranching operations. Like the livestock producers in South Dakota, each of these Members have constituents who have felt the effects of the manner in

which the administration manages current disaster assistance programs.

On January 21, 1986, I wrote then-Secretary Block to relay to him my observations having traveled across South Dakota. I stressed the urgency of the situation and impressed upon him the importance of cutting through the USDA redtape and immediately establish a disaster task force to make certain assistance was provided in a timely and effective manner.

Almost 2 months later, I have received their response. The answer was "no." They rejected the wide range of programs that could be activated by administrative authority. "We have done enough" was the answer provided to South Dakota's ranchers.

That will come as a surprise to the thousands of ranchers who have been struggling daily with ASCS disaster assistance regulations. First there was no feed. Then they were told that there might be wheat available for cattle feed. Finally they were advised that different programs were operating in different regions.

Ranchers and farmers deserve better treatment. They deserve a complete and timely response to their requests. They need to be advised of the range of programs available to the administration, and which programs will be used to mitigate the impact of disasters. That is exactly what H.R. 4455 will force USDA to do.

This legislation will make a USDA response mandatory, by spelling out a strict timetable within which the Secretary of Agriculture must respond to disaster assistance requests. For the first time, H.R. 4455 will force the Secretary of Agriculture to tell ranchers not only what disaster assistance he intends to provide, but also what programs he has at his disposal that he intends not to use.

This legislation eliminates the argument that "we don't have the authority to activate that Emergency Assistance Program." This is an argument often used as an excuse for not activating the range of disaster assistance programs. In fact, this USDA response uses this excuse for not using the Feed Grain Donation Program. "Because the President hasn't declared South Dakota counties as 'disaster counties' we cannot use that program." H.R. 4455 will eliminate this excuse by centralizing all the tools necessary to provide comprehensive disaster assistance under the USDA's roof. If H.R. 4455 were adopted, no longer would USDA be able to hide behind another agency of the Federal Government as the reason why total disaster assistance is not made available.

Mr. Speaker, farmers and ranchers know that this legislation will not be adopted in time to help offset current disaster losses. For many, the damage has already been done and is not repairable. However, they know that something must be done for future disasters, and that the Secretary of Agriculture must be held accountable for management of disaster programs. This legislation will do just that.

The USDA letter, and a summary of this bill follows:

SUMMARY OF THE EMERGENCY LIVESTOCK FEED ASSISTANCE ACT OF 1986

Section Two:

The Secretary of Agriculture must establish emergency feed and transportation assistance programs for the preservation and maintenance of livestock in any state where a natural disaster is the direct cause of an emergency.

Section Three:

The Governor of the affected state shall make the request to the Secretary of Agriculture.

Each request shall state: the nature of the disaster; the extent of the assistance required; a justification for the request; and information on the involvement of state and local governments in alleviating the emergency.

The Governor shall make this request after consulting with the state emergency board, comprised of representatives from ASCS, FmHA, SCS and the Governor.

Mandatory Department of Agriculture Response:

Within 14 calendar days after receiving the Governor's request, the Secretary must either: deny the request for assistance because an emergency does not exist; or notify the Governor that the request is under consideration and identify the programs being considered.

Within 25 calendar days after receiving the Governor's request, the Secretary must: agree that an emergency does exist; identify emergency assistance programs that will be activated; and provide justification on why other authorized programs are not appropriate and will not be activated.

ELIGIBILITY FOR ASSISTANCE

Eligible farmer or rancher has suffered at least a 30 percent feed loss, and does not have sufficient feed for the rancher or farmer's livestock.

Farmer or rancher is not able to obtain through normal means without undue financial hardship livestock feed.

ASSISTANCE PROGRAMS

The Secretary of Agriculture shall operate emergency feed programs, hay and cattle transportation assistance programs, and emergency feed donation programs through financing provided by the Commodity Credit Corporation.

Currently, these programs are activated through different levels of disaster declarations, and in coordination with other federal agencies, including Presidential declarations, FEMA, and the Department of the Interior.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC., March 14, 1986.

Hon. TOM DASCHLE,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN DASCHLE: Thank you for your recent letter requesting additional measures to provide disaster assistance to South Dakota ranchers and farmers.

The Herd Preservation Feed Grain Donation Program can be authorized only in counties declared to be a major disaster area by the President under the Disaster Relief Act of 1974. No South Dakota counties are currently designated as such a disaster area.

You have suggested that a disaster task force be established in Washington, D.C., within the Department of Agriculture (USDA), to make certain disaster assistance requests are acted upon promptly. We do not agree there is need for such a task force.

It is a practice of USDA to give high priority to Governors' requests for disaster assistance. However, there are occasions when inadequate or inconclusive information is submitted by local and State officials or it is too early in the production year to accurately assess the actual loss. Under these types of situations a decision must be deferred until an accurate assessment of the losses can be made. Often that cannot be accomplished until all or most of the crops have been harvested. We assure you that once the necessary information for evaluating and making a decision on a Governor's request is available, our decision is made promptly and the Governor and appropriate Congressional members are notified immediately thereafter.

We realize that a combination of low prices and unfavorable weather conditions is putting stress on agricultural producers in many areas of the nation, and that livestock producers have been particularly plagued by cold temperatures and heavy snowfalls. In response to these problems, a number of emergency authorities have been implemented to help livestock producers through this difficult period, including a recent expansion of the Emergency Feed Assistance Program (EFAP). Enclosed is a copy of the press release announcing these expanded EFAP provisions.

While your concern is appreciated in this matter, we have concluded we cannot justify implementing additional programs at this time.

Sincerely,

RICHARD W. GOLDBERG,
Acting Under Secretary for International
Affairs and Commodity Programs.

A CALL FOR FREE ELECTIONS IN CHILE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1986

Mr. BEREUTER. Mr. Speaker, the regime of Chilean strong man Gen. Augusto Pinochet is in its 13th year. Despite a ban on political activity, members of the democratic opposition in that country are now working together to formulate policies which will guide their future activities. In the meantime, the United States appears to be evaluating the nature of its relations with the Chilean Government. We recently have condemned human rights abuses in Chile and are poised to change our policy of routinely voting for Multilateral Development Bank loans to Chile. My colleague from New York [Mr. LUNDINE] the chairman of the Subcommittee on International Development Institutions and this member, as the ranking member of that subcommittee, have urged approval of this course of action by the State Department, supporting a favorable view of it by the Treasury Department.

Our ultimate goal for Chile is the restoration of democracy. This means free elections in 1989, when the next elections are scheduled, or sooner. In this regard, Mr. Speaker, I would like to call to the attention of my colleagues a Wall Street Journal editorial of March 17, 1986, which reminds Mr. Pinochet of the risks of trying to cling too long to power and urges free elections in 1989.

The article follows:

PINOCHET'S PROBLEM

For Chile's aging autocrat, Augusto Pinochet, the news from abroad may be looking more and more like the writing on the wall. In February, the U.S. helped relieve Ferdinand Marcos and Jean-Claude Duvalier of their power. Then, last week, the Reagan administration took the unusual step of condemning Chile's military regime before the United Nations Commission on Human Rights. Jeane Kirkpatrick's distinction between friendly authoritarians and unfriendly totalitarians is under sniper fire from hidden positions at State.

But the aim of Mrs. Kirkpatrick's distinction was never to inflict dictatorship on allied countries just for old time's sake. The crucial issue has been—and still is—how to avoid a move from authoritarianism, which is bad, to communism, which is worse—and usually permanent. This is a concern that President Pinochet should understand quite well. When he took power in a 1973 coup d'etat, Chile's democracy was being throttled by Salvador Allende, who set out on the strength of a scant 36.2% plurality to remake the basic institutions of the society by deliberately wrecking the economy. The Pinochet coup saved Chile from a far darker fate than it suffers today.

But that's history, and if Mr. Pinochet continues to cling to power until he dies or is forced out, Chile could face the kind of turmoil that would offer the far left another chance. As the recent bombings in Santiago and some other cities attest, the country has a number of radical factions that endorse violent revolution. It also has a relatively large, well-organized Communist party that takes orders directly from Moscow.

Fortunately, there is still time to develop a solid, moderate alternative, though this will require more cooperation from Mr. Pinochet than he has provided so far. Chileans have long experience with democracy; they made it work for many decades before Allende. Today, despite a ban on political activity, the numerous factions of the democratic opposition are struggling to set aside their differences and offer a concrete alternative to Mr. Pinochet. Last August, 11 of these factions compromised on a loose set of policy guidelines. But lacking any real power, these groups haven't had to display much responsibility in their prescriptions. The main point of agreement—removal of Mr. Pinochet—will go when he does.

Right now, Chile is fairly calm. The economy is growing again, and protests have died down. But the recent exercise of popular will in the Philippines is a reminder that a long fuse is burning. Although Mr. Pinochet has not set up a vast, corrupt political machine along the lines of Ferdinand Marcos, there are some incipient similarities. The last few years have seen increased grumbling about economic privileges enjoyed by his family and clout wielded by his intimates on the far right. And Pinochet's dictatorship looms all the larger because democracy—however fragile—has returned to neighboring Peru, Bolivia and Argentina.

In 1989, Chileans are scheduled to hold a loaded "election" of their own, a constitutionally mandated plebiscite in which the sole candidate, barring a change, of course, will likely be Mr. Pinochet. If he "wins" an eight-year term without giving the opposition a fair chance to organize and campaign against him, it will not sit well.

The best chance for Chile would be a fair election in 1989, or earlier. To achieve this,

Mr. Pinochet would have to lift the ban on political parties very soon. Most useful of all would be an exercise in electoral politics, such as local elections.

Of course, such an opening would carry its risks. But, as the recent fate of Mr. Marcos suggests, an authoritarian who tries to hold on too long faces even larger risks. Mr. Pinochet came to power with the laudable aim of saving his country from totalitarianism. He should remember that this aim now will be best served by preparing for a return of democracy.

INTRODUCTION OF NICARAGUAN CONTRA LEGISLATION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1986

Mr. MARKEY. Mr. Speaker, for 5 years this administration has supported a band of rebels, led by former Somocista National Guardsmen, in their fight to overthrow the Sandinista government of Nicaragua. At the same time, the administration has found it politically expedient to claim that they desire a negotiated settlement with the Sandinista government.

Yesterday the House of Representatives told the President that he can't have it both ways. As much as he tried to cloak his military policy with a diplomatic rationale—"forcing the Sandinistas to the bargaining table"—the American people, and their elected Representatives, wouldn't buy it.

Our Government cannot pursue a full-fledged Contra war, on the one hand, and serious negotiations, on the other. They are mutually incompatible.

Faced with such a choice, my colleagues rejected a policy of military escalation. I was proud to be a part of that majority, and my hat goes off to the Democratic leadership.

But yesterday's vote will be a hollow victory if we cannot put forward a positive long-term policy for Central America.

The danger is that in the aftermath of yesterday's vote, we will spend the next several weeks arguing about what is the best blueprint for war. We should be debating a blueprint for peace.

I believe that the vast majority of my colleagues, on both sides of the aisle, would support a solution that protects our legitimate security interests, while pursuing a negotiated peace in Central America. There is a consensus among our Latin American allies that ending the Contra war is the essential first step toward such a solution.

Therefore I am introducing a bill today which would set the stage for successful Contadora negotiations by legislating an end to U.S. support for the Contra war.

On March 31 funding for the Contras through the so-called "Nicaraguan Humanitarian Assistance Office" will run dry. Under my bill, this office would not be reauthorized, and most certainly, no Pentagon or CIA support would be given to the Contras.

But it is not enough to turn off the faucet; we must take care of the swamp we've created. If the Contras were to be completely cut off from all aid, we would be leaving approximately 15,000 armed, angry, and violent men

high and dry in the hills of Honduras. Without large amounts of American support, they would be utterly incapable of fighting their way back into Nicaragua. They would quickly run out of food and medicine. They would have no jobs. They would have no income.

But they would have their guns. And they would have their bullets. And they would have their Honduran neighbors to prey on. And they would create enormous problems for the innocent peasants who live in southern Honduras.

If such a scenario sounds implausible to you, please read the brandnew report of the Washington Office on Latin America, entitled, "The Contra Human Rights Abuses Against Honduran Civilians."

That the Contras use systematic terror as their prime means of warfare against Nicaraguans in Nicaragua is a well-known fact, documented by many international human rights groups. But the Contras' repeated atrocities toward the people of Honduras, one of our closest Latin allies, is particularly revealing.

The Contras have forced at least 2,000 Honduran men, women, and children to leave their villages near the Nicaraguan border.

Only 6 weeks ago, Ricardo Aviles, a married farmer and the father of a 1-year-old son, was kidnaped by the Contras. His body was found 5 days later with his hands and feet bound, his face beaten, and knifewounds in his face, neck, and back. The man who discovered his body was subsequently kidnaped by the Contras just last Wednesday, March 12.

According to two Catholic priests—one Honduran and one Canadian—Contra abuses in Honduras have included killings, rapes, mutilations, theft, and destruction of property.

Last October, even the landowners and coffee growers publicly complained and petitioned the Honduran National Congress to help redress the devastating effect of the Contra presence.

And the Honduran military is becoming increasingly concerned, too. Armed forces spokesman Napoleon Santos says the army is "aware of the problem, and a little fearful of it." He says that in the long term, the Contras cannot "stay here armed. They would have to accept being disarmed, or they would be acting against our security."

For these reasons, I cannot agree with those who would simply cut and run. To abandon the Contras at this point is to abandon our friends in Honduras and Costa Rica. Therefore, the second section of my bill calls upon the United States to take the responsibility to disband, disarm, and disperse the Contra forces.

Most of the Contras would not be where they are today were it not for U.S. policies. Our tax dollars and our CIA were essential in building the Contra army. We have been stringing them along, telling them that some day they would triumph. They have suffered enough from our Government's deceit, and now we must take a responsible stand. If we've created a Frankenstein, I think we're obligated to protect our friends from its destructive power.

My bill would transfer \$10 million from the bloated Pentagon budget, for the safe and orderly relocation and resettlement of the Contras. Until they're relocated, a sufficient amount of truly humanitarian assistance will

be provided through the Red Cross and the United Nations.

The bill which I am introducing today is not, in and of itself, a comprehensive Central America policy. But I think it is an essential—perhaps the essential—component of any decent, thoughtful, and humane policy for our neighbors to the south.

H.R. 4483

A bill concerning United States policy toward Nicaragua

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION RELATING TO MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA.

(a) PROHIBITION.—No funds may be obligated or expended by any agency of the United States Government for the purpose of or which would have the effect of supporting, directly or indirectly, overtly or covertly, military or paramilitary operations in Nicaragua or against the Government of Nicaragua by any nation, group, organization, or individual.

(b) RELATION TO OTHER PROVISIONS.—Subsection (a) supersedes section 105(a) of the Intelligence Authorization Act for Fiscal Year 1986 (relating to restrictions on support for military or paramilitary operations in Nicaragua), but does not apply with respect to the \$27,000,000 appropriated under the heading "HUMANITARIAN ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE" by the Supplemental Appropriations Act, 1985, or to the funds made available for assistance in accordance with section 2 of this Act.

SEC. 2. RELOCATION ASSISTANCE FOR NICARAGUANS IN HONDURAS AND COSTA RICA.

(a) RELOCATION ASSISTANCE.—The funds transferred pursuant to subsection (c) shall be used to assist in the safe and orderly relocation and resettlement of Nicaraguans who are currently in Honduras or Costa Rica (regardless of whether they have been associated with groups opposing the Government of Nicaragua by armed force). Although resettlement should be expedited, those funds may also be used to provide food, medicine, and similar humanitarian assistance for those Nicaraguans until they are resettled.

(b) LIMITATIONS.—Assistance pursuant to subsection (a) may be provided only through the International Committee of the Red Cross or the United Nations High Commissioner for Refugees, and only upon its determination that such assistance is necessary for the relocation and resettlement of those Nicaraguans or to meet their humanitarian needs. To the maximum extent feasible, assistance to meet humanitarian needs should be provided to those organizations in kind rather than in cash. Assistance may not be provided under this section with the intent of provisioning combat forces.

(c) TRANSFER OF FUNDS.—In order to carry out this section, the President may transfer up to \$10,000,000 of the funds appropriated by the Department of Defense Appropriations Act, 1986 (as contained in Public Law 99-190), to the "Migration and Refugee Assistance" account of the Department of State.

(d) WAIVER OF CERTAIN AUTHORIZATION REQUIREMENTS.—Funds transferred to the "Migration and Refugee Assistance" account pursuant to subsection (c) may be obligated

and expended notwithstanding section 10 of Public Law 91-672 or section 15 of the State Department Basic Authorities Act of 1956 (prohibiting the use of funds in excess of the amounts authorized to be appropriated for foreign assistance or for the Department of State, respectively).

**JOSE H. CARREON DEDICATED
HISPANIC LEADER**

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1986

Mr. FEIGHAN. Mr. Speaker, on March 12, 1986, the Greater Cleveland area lost one of its most respected and appreciated Hispanic leaders, Jose H. Carreon. Mr. Carreon's untimely death of a heart attack, leaves the city of Cleveland and the Hispanic community with a profound loss that cannot be calculated.

Jose H. Carreon was born in Edcouch, TX, near the Mexican border. He moved to Cleveland in the late fifties to accept a job with the Pennsylvania Railroad. Upon his arrival, Mr. Carreon immediately became involved with the Hispanic community, bring his patience and understanding to a variety of projects. It is said that "Joe" Carreon was liked by everyone, and it is hard to doubt it. One could only watch in appreciation and gratitude for the energy and enthusiasm that Joe brought to the various causes for social justice, ethnic pride and political progress for which he cared so deeply.

Along with his wife Zulema (Sue), his greatest love was their work for the Azteca Club, the oldest Mexican club in Ohio. The club, a social and civic organization, became their voluntary, part-time devotion. And for their service, Mr. and Mrs. Carreon were honored with a Certificate of Achievement in 1984, from the mayor of Cleveland, George Voynovich.

Mr. Carreon served on Governor Celeste's task force coalition of Hispanic leaders and was an organizer director for the Midwest voter registration project of Ohio. More recently, he assisted in fundraising efforts for Mexican and Puerto Rican families suffering after the tremendous devastation of floods and earthquakes. Whenever there was a need, Joe Carreon was lending assistance. His caring and concern for others will not soon be forgotten. For these reasons—his spirit of giving, kindness and quiet uncomplaining temperament—Joe Carreon will be sorely missed by everyone who had the great privilege of knowing him.

Mr. Speaker, I know that my colleagues will join me in extending our sincere condolences and prayers to Mr. Carreon's family, his wife and children, his father and his brothers and sister. Their loss at this time can not be calculated. Yet they can be satisfied in knowing that through his life of service and concern for others, Jose H. Carreon exemplified what is finest in the American character and left a lasting model of character for others to emulate and strive to achieve.

EXTENSIONS OF REMARKS

MODERNIZE PERMITTING OF SKI AREAS IN NATIONAL FORESTS

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1986

Mr. WIRTH. Mr. Speaker, today I am introducing legislation to modernize and consolidate the process for issuance of permits to ski areas that operate within our national forests. My bill, titled the "National Forest Ski Area Permit Act of 1986," has broad and bipartisan support. I urge all of our colleagues to join as sponsors and to support swift action on this vital legislation.

A few statistics illustrate how many Americans take to the slopes every winter, and the need to insure that ski areas are not hindered by redtape in making the capital investments that are needed to keep this a safe and exhilarating pastime. At last count, there were 526 ski areas in 40 States across the country. More than 21 million Americans, from literally every State, are downhill skiers, and another 6 million or more enjoy cross-country, or Nordic, skiing. And just last year, the country's downhill ski areas recorded more than 51 million skier visits. Clearly, skiing is one of the Nation's growing participation sports—a sport that fosters an appreciation of the outdoors and enriches the human spirit.

Many commercial ski areas, which provide opportunities for both downhill and cross country skiing as well as many other recreational opportunities for entire families, are located on national forest land. In fact, 114 resorts in 17 States rely upon national forest lands. The operators of these areas must secure special use permits from the Forest Service. That requirement is both appropriate and reasonable, and my bill would not change that requirement. The legislation I am introducing today, however, would modernize and consolidate the process for issuing permits. Currently, under two laws that literally date from the turn of the century, ski area operators can get one 30-year permit for up to 80 acres, but almost all areas are larger than that. As a result, the ski area operators have to get a second, year-to-year permit for the part of the operation not covered by the 30-year permit.

This simply doesn't make good sense. While we must be wise stewards of the public lands, we ought not create unnecessary obstacles to management of ski areas, especially in an era when Americans increasingly are searching for opportunities to enjoy the splendor of our natural heritage. My bill would authorize the Forest Service to issue one consolidated permit for the entire area that is necessary to operate a ski resort within our national forests. It would also reflect the current financial realities of raising the capital needed to maintain these recreational areas by extending the combined term of the permits to 55 years.

Mr. Speaker, we have the responsibility to manage these lands in a way that protects the fish and wildlife resources and the clean air and water that attracts us all to these sanctuaries in the first place. My bill does not make

it any easier or more difficult to get a permit for a new ski area or to expand an existing ski area. Neither does this bill in any way affect the environmental laws that must be satisfied before the Forest Service can issue a permit for a ski area. And my bill certainly does not short cut the consultation that must take place between the ski area operator and the responsible officials from State and Federal agencies.

My bill does recognize that skiing is one of the most popular uses of our national forests. By modernizing and consolidating the permitting process, this legislation would make it easier for ski area operators to obtain the long-term financing they need to provide an enjoyable and safe experience for the millions of Americans, from my home State of Colorado and from every other State, who choose to ski amidst our Nation's spectacular mountain lands. I encourage our colleagues to join me in supporting this legislation.

The text of the bill follows:

H.R. 4489

A bill to provide for ski areas on national forest lands, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Forest Ski Area Permit Act of 1986".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds and declares that:

(1) Commercial alpine and nordic skiing operations are among the fastest growing and most popular multiple uses of national forest lands.

(2) Alpine and nordic skiing are healthful activities which promote physical well-being, contribute to the enrichment of the human spirit, and foster an appreciation of the outdoor environment and the aesthetic and other outdoor recreation values which constitute prime uses of national forest lands.

(3) Commercial alpine and nordic ski operations occupy less than five one-hundredths of one percent of all national forest lands, but account for almost six percent of current overall national forest visitor use days.

(4) Commercial nordic, and particularly alpine, ski operations are distinguishable from most other multiple use activities on national forest lands in that they generally entail a far greater degree of construction of large-scale and permanent or semi-permanent facilities (including ski lifts, trails, access roads, warming shelters and restaurants), and require long-term private investments and other long-term operating commitments.

(5) Existing and proposed changes in congressional budget procedures and tax laws may reduce Forest Service personnel available for ski area permitting and planning activities and may limit traditional methods of ski area financing and investment absent remedial legislation.

(6) Current laws governing and permitting and operation of commercial nordic and alpine ski activities on national forest land, while they have in most cases sufficed to adequately permit ski area and facility development in the past, are in need of consolidation and modernization.

(b) PURPOSES.—The purposes of this Act are to—

(1) consolidate existing laws pertaining to ski areas on national forest lands and provide a unified and modern nordic and alpine ski area and facility permitting process;

(2) provide for ski area permits which more closely reflect the acreage and other physical requirements of modern ski area and facility development; and

(3) provide a permit which will be more commensurate with the long-term construction, financing, and operation needs of ski areas on national forest lands.

SEC. 3. SKI AREA PERMITS.

(a) **LAW APPLICABLE TO PERMITS.**—The provisions of the Acts of June 4, 1897 (30 Stat. 34) and March 4, 1915 (16 U.S.C. 497) notwithstanding, the issuance of permits for the operation of commercial nordic and alpine ski areas and facilities on National Forest System lands shall henceforth be governed by this Act and other applicable law.

(b) **AUTHORITY.**—The Secretary of Agriculture (hereinafter referred to as "the Secretary"), subject to such reasonable terms, conditions, and permit fees as he deems appropriate, is hereby authorized to issue permits (hereinafter referred to as "ski area permits") for the use and occupancy of suitable lands within the National Forest System for commercial nordic and alpine skiing operations and purposes. A ski area permit shall—

(1) ordinarily be issued for a term of 55 years (unless the Secretary determines that the facilities or operations are of a scale or nature as are not likely to require long-term financing or operation);

(2) shall encompass such acreage as the Secretary determines sufficient and appropriate to accommodate the permittee's needs for ski operations and ancillary facilities;

(3) may be renewed at the discretion of the Secretary; and

(4) may be cancelled by the Secretary in whole or in part for any violation of the permit terms or conditions or for nonpayment of permit fees.

The acreage under permit may be increased or decreased from time to time by the Secretary to accommodate changes in plans or operations as the Secretary deems appropriate in consultation with the permittee.

(c) **RULES AND REGULATIONS.**—Within one year of the date of enactment of this Act, the Secretary shall promulgate rules and regulations to implement the provisions of this Act, and shall, within 2 years of the date of enactment of this Act, convert all existing ski area permits or leases on National Forest System lands into ski area permits which conform to the permit term and other provisions of this Act.

THE COLLEGE OF MOUNT ST. VINCENT—75 YEARS OF EXCELLENCE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1986

Mr. BIAGGI. Mr. Speaker, I have the privilege and honor of attending the gala 75th anniversary dinner for the College of Mount St. Vincent at the Waldorf Astoria Hotel on April 19. I would like to take this opportunity to congratulate the College of Mount St. Vincent on their 75th anniversary, and to commend them

for 75 years of dedicated service to the Bronx community which I represent.

Mount St. Vincent, the first Catholic women's college in New York City, has conferred approximately 8,500 baccalaureate degrees since its founding in 1911. A 4-year co-educational, liberal arts college, Mount St. Vincent is a private, independent institution with a total enrollment of approximately 1,000 students representing various religious, racial, and ethnic backgrounds. Nestled on 70 wooded acres overlooking the Hudson River, the college offers an integrated liberal arts program based on traditional values. While Mount St. Vincent has retained its firm commitment to the liberal arts as the basis for an education providing breadth and depth, it has developed selected career-oriented majors, such as business, communications, nursing, computer science, and special education. During its 75 years, the college has sent numerous students to prestigious medical and law schools; many of its graduates have enhanced civic, professional, and religious activities in communities around the world. Emphasizing the integration of classroom knowledge with practical experience, Mount St. Vincent offers a program of nearly 250 established internships, available in such areas as accounting, advertising, biological science, computers, film, health education, journalism, museum work, public relations, publishing, television, theater, and video.

Mount St. Vincent serves about 760 men and women full time; this provides for the excellent student-faculty ratio of 12:1. Students have a variety of opportunities that are not possible in larger institutions, opportunities for involvement in student government, service organizations, and clubs, including a better chance to influence others and make a difference.

Mount St. Vincent has planned a variety of activities to commemorate this historic occasion, beginning with a birthday celebration last September, including a 400-pound, six-tier birthday cake. During this ceremony the freshman, sophomore, junior, and senior classes, along with the faculty and various departments donated a number of gifts to the college. During November, Mount St. Vincent held a Thanksgiving mass at St. Patrick's Cathedral, where Sr. Doris Smith, S.C., the president of the college, summed up the feeling of all those present: " * * * We celebrate, with utmost joy, the passage of time and the fulfillment of dreams * * * we exult in our tradition and rejoice in our vision of the future * * * we give thanks to and for all who have ever been a part of the College of Mount St. Vincent * * * " Other celebrations include a four-part lecture series with programs entitled "The Teacher," "The Volunteer," "The Healer," and "The Business Professional." Photographs and other memorabilia, illustrating the college's presence in Riverdale, has been on exhibit.

Mount St. Vincent's presence and contributions are strongly felt and appreciated by the Riverdale and the entire Bronx/Yonkers communities. Therefore, I call upon my colleagues in the House of Representatives to pay tribute to the College of Mount St. Vincent on their 75th anniversary. We wish you many more

joyous and successful years of delivering quality education to our students of all ages.

PROMISES, PROMISES

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1986

Mr. SWIFT. Mr. Speaker, 3 weeks ago the Energy Conservation and Power Subcommittee received a bit of seemingly good news from Secretary of Energy John Herrington. When I asked the Secretary about the fairness of the administration's plans to unilaterally increase electric power rates for consumers of federally marketed power, he responded as follows:

I think one thing we are not doing is doing it unilaterally. I have a commitment not only to this committee, but to the Senate committee, that we will not do it administratively. That is why we are putting in legislation on repayment, and we will act in concert with Congress on this issue.

This commitment by the Secretary of Energy seemed to be good news until the Deputy Director of OMB, Joseph R. Wright, Jr., testified before the Subcommittee on Northwest Power the following week. My understanding is that Mr. Wright went out of his way to imply that the Secretary's commitment was not administration policy. He said, I am told that if Congress doesn't approve of the administration's rate increase proposal, the administration might just increase the rates anyway.

What happened in a week's time that accounts for Mr. Wright's apparent repudiation of the Secretary of Energy's commitment? I have been impressed with Secretary Herrington's personal integrity, so I know that he was trying his best to be frank and honest with the subcommittee on which I sit. On the other hand, if we have learned one thing about OMB in recent years, it is their total disregard for anything other than achieving their ideological goals.

I can see two possible explanations, both of which are disturbing: Either Mr. Wright was implying a false threat in order to put pressure on Congress to support the administration proposal, or the Deputy Director of OMB has been given veto power over the Secretary of Energy's decisions on energy policy.

Actually, there is one more possible explanation, and it is the one that I hope represents the real reason for Mr. Wright's contradiction of Secretary Herrington's commitment. Perhaps the administration simply got its signals crossed, and Mr. Wright was unaware that Secretary Herrington has given his assurances to act in concert with congressional will on this matter.

Any other explanation would bring into question the administration's good faith and credibility on this issue of such fundamental importance to the economies of the Pacific Northwest and other areas served by Federal power marketing administrations.

RETIREMENT HOUSING FOUNDATION

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1986

Mr. ROYBAL. Mr. Speaker, I recently had the privilege of attending the 25th anniversary celebration of the Retirement Housing Foundation—a California-based organization dedicated to meeting the housing needs of senior citizens.

I was very impressed by the work of this remarkable organization and believe their success can serve as a model for other organizations throughout the Nation.

Over the past 25 years, the foundation has provided dignity and comfort to the elderly. With dedication, aggressive work and tireless energy, the founders of the Retirement Housing Foundation have grown since 1961 from an organization with a mere \$7,000 in property holdings to a major provider of elderly housing, health care, nutrition and support services with more than 50 facilities located in 13 States. But the most impressive thing about the foundation is not its size—or even the range of quality services it provides. The Retirement Housing Foundation is worthy of such special notice because as they have housed and served the elderly, they have nurtured dignity and independence. They have remained true to and deepened their commitment to enrich the lives of senior citizens.

While we are all concerned with meeting the growing need of caring for an aging population, the Retirement Housing Foundation is busy building solutions.

I sincerely hope their next quarter century is as successful as their first and that their standard for improving the quality of life for the elderly is widely emulated.

HONORING HANK SCIARONI

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1986

Mr. LANTOS. Mr. Speaker, during the last 38 years, the agricultural community of San Mateo County has benefited from the guidance and help of a dedicated individual. Hank Sciaroni is a tireless specialist who is recognized, not only as one of California's leading experts, but also as an international leader in his field.

Hank Sciaroni is the author of 462 articles on such topics as California agriculture, floriculture, and the agriculture industry. His special efforts to encourage greenhouse farming have contributed significantly to the economy of San Mateo County and helped to make California one of the leading States in greenhouse farming.

Hank's efforts have not been limited to narrow technical matters. He has generously given of his time and shared his experience with organizations and individuals throughout San Mateo County. He has been active politically in issues of importance to the agricultural

community. With customary energy and skill, he lobbied for the successful passage in 1965 of California's Williamsom Act, which is a major program to prevent the loss of agriculture land to urban development. In addition, Hank has supplied artichokes for the California delegation's annual picnic here in Washington, DC. Thanks to his generosity, San Mateo artichokes have a fine reputation in our Nation's Capital.

Hank has shown great ability to master whatever problems face him. While serving in the U.S. Air Force during World War II, his B-24 was shot down while on a bombing raid over Munich. As navigator, Hank guided the plane to a safe crash landing on an Italian beach. Hank, the son of Swiss-Italian immigrants, used his Italian to help the crew evade a German search party, that was so close that Hank could smell the German cigarettes.

Hank Sciaroni is truly an outstanding and dedicated American. I am delighted to join in a tribute to this man, who has not only enriched so many individuals, but also contributed so much to San Mateo County.

CONTINENTAL GRAIN COMPANY SHORTCHANGES AMERICAN FARMERS

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1986

Mr. DORGAN of North Dakota. Mr. Speaker, Continental Grain Co. plans to import about 1.4 million bushels of New Zealand feed barley into the United States on Friday, March 21, 1986. The grain is scheduled to arrive at the Port of Stockton in California.

I am absolutely appalled that one of our Nation's grain companies would import foreign-produced barley at a time when American farmers face severe economic woes and increasing grain surpluses. Furthermore, these imports will only encourage other foreign nations to take advantage of our domestic grain markets.

I join Mr. COELHO from California and other colleagues in urging the Secretary of Agriculture to immediately use his existing authority and institute temporary duties or take emergency action to prevent the import of this barley. I cannot stress enough that the United States must take affirmative action in disallowing foreign grain imports in this country and curtail the shortchanging of the American family farmer.

How can Continental Grain ignore the trauma that our Nation's farmers are facing? May I remind them that prices farmers get for raw products dropped 2.4 percent in February, falling to 10 percent below the level of 1 year ago. Net farm income dropped sharply in 1985, probably totaling \$25 billion to \$29 billion, according to USDA estimates, and for 1986, USDA economists project another decline.

As a result of domestic shipping rates being reduced in the Northwest, North Dakota has become quite competitive in grain sales to California. In fact, North Dakota has marketed 1.5 to 3.6 million tons into the California-Arizo-

na markets within the last year. But, as a result of this large import, that market is now lost and chance of recovery are dismal.

North Dakota has a 100-million bushel larger carryover supply than it had last year at this time. The State has the available stock to fill California's requirements. While Continental Grain could profit as much as \$600,000 on this venture, the State of North Dakota stands to lose up to \$5 million in revenue.

I want the Secretary of Agriculture to take action to stop this sort of thing.

SALUTE TO THE 21ST CENTURY INSTITUTE FOR POLITICAL ACTION

HON. WILLIAM H. GRAY, III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1986

Mr. GRAY of Pennsylvania. Mr. Speaker, I rise today to salute a select group of young black Americans, professionals from the legal, business, medical, and academic communities. This group, the 21st Century Institute for Political Action, was organized in July 1983, to help the black community develop an independent intellectual and financial resource base, from which to support accountable black candidates for State, local, and Federal office.

Most important, this group of men and women are the direct beneficiaries of the Martin Luther King, Jr., and civil rights era, the "Children of the Sixties." Unlike some of their counterparts, they have retained a sense of their responsibility for the well-being of the black community and its place in the future of this great Nation.

The institute's vision is unique in both a short- and long-term sense. It's one of the few black groups discussing the 1990 census and redistricting. It's one of the few young black organizations developing a concrete program, over the long term, to increase black congressional representation in the South. Already, in addition to making financial contributions, it has developed a resourceful and long-overdue candidates training program to help candidates and their staffs.

This group is special because it is a product of the labors of my father's generation and my own. Its intellectual and political potential is unprecedented and desperately needed in today's black America.

Mr. Speaker, I am particularly proud when young black men and women become involved in the American political process and assume some responsibility for the future of their communities. To do so with deep vision of its place in the next century deserves commendation. Its theme says it all: "Everyone to whom much is given, of him (and her), will much be required." * * * —Luke 12:48.

THE OMNIBUS DIPLOMATIC SECURITY AND ANTI-TERRORISM ACT OF 1986

HON. J. ROY ROWLAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 21, 1986

Mr. ROWLAND of Georgia. Mr. Speaker, I rise in strong support of the Diplomatic Security and Anti-Terrorism Act of 1986. In our military history, we, as Americans have always believed that war, while the final and most destructive solution to conflict, should be conducted with respect for innocent civilians. However, today, we have found ourselves involved in a war in which all respect for hu-

EXTENSIONS OF REMARKS

manity has been disregarded, and the innocent have become direct targets.

Acts of terrorism have sadly become a commonplace occurrence. The number of terrorist acts directed at our citizens has increased dramatically. None of us are safe in overseas travel, and our Embassies can easily fall prey to terrorists.

When terrorist acts occur, as in the Rome airport attack in which an 11-year-old American girl was murdered, the Nation's attention is riveted on the horror of the incident and for a period of time we are caught up in the media accounts. For some, however, the anguish does not end. I am speaking of the families of those killed, injured or held hostage.

Recently, Mr. Speaker, I spoke again with a constituent of mine who is related to Father

Lawrence Martin Jenco. As you know, Father Jenco is one of the six Americans who is being held captive in Lebanon. Even though I represent a predominantly rural district, and one in which I would not expect to be touched by terrorist acts, Father Jenco's situation confirms that none of us are safe from the threat of international terrorism. I urge the administration to rededicate itself to achieving the swift release of Father Jenco and the other innocent victims, and the prosecution of those responsible.

The legislation we are considering today is certainly not the ultimate solution to this frustrating and complex problem. It is, however, a step that must be taken in the continuing battle against this scourge of terrorism.